

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 26301 of 2012

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

Questioning the inaction of respondent No.1 in implementing the orders in L.G.O.P.No.199 of 1991, dated 31.08.1998 passed by the Special Court-cum-District Judge, Krishna at Machilipatnam, present writ petition is filed.

The facts in issue are as under:

The petitioner herein filed L.G.O.P.No.199 of 1991 before the Special Court-cum-District Judge, Krishna at Machilipatnam seeking eviction of respondents from the land admeasuring 1100 square yards situated at Kothapet, Vijayawada and to deliver possession of the land which was bequeathed by Vemavarapu Sita Maha Lakshamma for the purpose of construction of a temple for their family diety. The above case was contested by the respondents and after a full fledged trial, the Special Court allowed the L.G.O.P. on 31.08.1998 declaring the respondents therein as land grabbers. It is stated that no

appeal has been preferred by the respondents aggrieved by the said order. Since the possession is not delivered, the petitioner herein filed I.A.No.50 of 2003 requests the Special Court to communicate the order dated 31.08.1998 and to direct respondent No.1 to evict respondent Nos.4 to 35 with the help of police, if necessary. On 17.02.2003 the Special Court is said to have communicated the order vide Dis.No.928. Thereafter, the petitioner is alleged to have addressed letters dated 07.10.2003, 15.09.2004, 18.03.2010 and 17.04.2010 to respondent No.1 seeking action but in spite of receipt of the same, no steps were taken to deliver possession of the property. It is stated that even though a legal notice was issued on 06.05.2010, there is no action from the respondents. The inaction of respondent No.1 led to filing of the present writ petition.

Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to respondent No.1 to pass orders on the representation made by the petitioner for implementation of the orders passed in L.G.O.P.No.199 of 1991.

Government Pleader for Revenue submits that if the representation is made and if the same is still pending, the same may be directed to be disposed of in accordance with law.

Without going into the merits of the case and having regard to the circumstances of the case, the writ petition is disposed of directing respondent No.1 to take steps in accordance with law, to the notice dated 06.05.2010 issued by the petitioner, as early as possible, preferably within a period of twelve (12) weeks from the date of receipt of the order. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

05.01.2016

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