

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

Writ Petition Nos.25152 of 2004 & 546 of 2005

COMMON ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

In both these writ petitions, the validity of G.O.Ms.No.782, dated 05.10.2004, whereby the property belonging to the 3rd respondent-Matt was permitted by the Government to be sold in favour of several persons including the 4th respondent in W.P.No.25152 of 2004, is under challenge.

A Division Bench of this Court, in its order dated 31.01.2005, recorded that when they called upon the petitioner in W.P.No.25152 of 2004 to deposit Rs.1,00,000/- in excess of the amount already deposited by the 4th respondent, the petitioner was not prepared to deposit the said amount. The Division Bench, therefore, expressed its disinclination to grant stay at that stage, but made it clear that any action, pursuant to G.O.Ms.No.782, dated 05.10.2004, shall be subject to the result of the writ petition.

While Sri L.J.Veera Reddy, learned counsel for the petitioner in W.P.No.25152 of 2004, would question the validity of the said G.O, Sri V.Venugopala Rao, learned Standing Counsel for Endowments, would submit that, soon after the aforesaid interim order was passed by this Court, a sale deed was executed and registered in favour of the 4th respondent in W.P.No.25152 of 2004.

As there was no interim order in the writ petition, and as the property was sold and a sale deed was registered in favour of the 4th respondent in W.P.No.25152 of 2004 more than a decade ago, we see no reason, after such a long lapse of time, to now examine the legality of the manner in which the 3rd respondent-Matt was permitted to alienate the property in favour of several others, including the 4th respondent in W.P.No.25152 of 2004; or to exercise discretion, under

Article 226 of the Constitution of India, to interfere. Suffice it to make it clear that the question whether the Government could have permitted the 3rd respondent-Matt to put its properties to sale by way of public auction is left open to be examined in an appropriate case.

Both the writ petitions fail and are, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

SURESH KUMAR KAIT, J

Date:20.04.2016

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AND

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