

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.26459 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the impugned notice No.37/2016, dated 26.2.2016 (*sic* 26.7.2016) issued by the second respondent as null and void.

2. Heard the learned counsel for both the parties.

3. In earlier round of litigation, the petitioner filed W.P. No.22660 of 2016 against the respondents herein. In that writ petition, the petitioner has sought direction to respondents not to interfere with the peaceful possession and enjoyment of his property to an extent of 540.27 Sq. yards in R.S. No.1323/11 situated at Telaprolu Village, Unguturu Mandal, Krishna District. This court disposed of the same with the following direction:

“In that view of the matter, the writ petition is disposed of directing the second respondent to consider the explanation submitted by the petitioner and pass necessary orders thereon within a period of four weeks from today. Till such time, possession of the petitioner shall not be interfered with. There shall be no order as to costs.”

4. In pursuance of the above order of this court, in W.P. No.22660 of 2016, the second respondent issued the impugned notice directing the petitioner to submit his explanation by today i.e., 05.8.2016. The petitioner is said to have submitted the explanation on 11.7.2016.

5. The petitioner, instead of appearing before the second respondent, filed the present writ petition yesterday i.e., on 04.8.2016 and moved for lunch motion today representing that it is an eviction matter. This court granted the lunch motion believing the submission of the learned counsel for the petitioner. In pursuance of the direction of this court in W.P. No.22660 of 2016, the second respondent has to pass orders within a period of four weeks. In compliance of that order, the second respondent has issued the impugned notice and the

petitioner has submitted the explanation. But, so far no adverse order is passed by the second respondent directing the petitioner to vacate the premises in question. The apprehension of the petitioner is misconceived and the present writ petition is a premature one.

6. However, taking into consideration the facts and circumstances of the case, the second respondent is directed to dispose of the matter as early as possible.

7. Accordingly, the writ petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

August 05, 2016.

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