

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

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WRIT APPEAL No.608 OF 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred by the petitioners in Writ Petition No. 11044 of 2011, aggrieved by the order passed by the learned Single Judge on 8.7.2016 dismissing the writ petition with costs, and in directing disciplinary action to be taken against certain officials, and to evict the writ petitioners from the subject lands.

Having perused the elaborate order passed by the learned Single Judge, we are not inclined to interfere with the order to the extent the writ petition was dismissed with costs and the 1st respondent was directed to initiate suitable action, including disciplinary action, against the officials of the office of the 2nd respondent, including the then 2nd respondent, for supporting and colluding with the writ petitioners and depriving the Vinayak Nagar Colony residents of Venkatapuram Gram Panchayat, Eluru Rural Mandal, West Godavari District of valuable common area sites in the sanctioned layout.

Sri N. Subba Rao, learned counsel for the appellants, would submit that, while the learned Single Judge may have been justified even in dismissing the writ petition filed by the appellants herein, a mandamus could not have been issued to the officials to take action against the writ petitioners who had invoked the jurisdiction of this Court. We find force in the said submission of the learned counsel. Ordinarily a writ of mandamus would not be issued for action to be taken against the person who has invoked the jurisdiction of this Court, for that would amount to penalising him only for availing his judicial remedies. Consequently, we set aside that portion of the order of the learned Single Judge wherein he directed the officials to initiate action for eviction of writ petitioner Nos. 1 to 4 forthwith from the lands in their occupation. It is, however, made clear that this order shall not preclude the respondent-officials from taking action, if need be, to evict the appellants-writ petitioners in accordance with law.

The writ appeal stands disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order

as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

19th August 2016

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Date: 19.08.2016

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