

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Writ Appeal No.1327 of 2016

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the learned Single Judge in W.P.M.P. No. 49554 of 2015 in W.P. No. 38495 of 2015 dated 26.11.2015. The appellant herein is the 6th respondent in the Writ Petition. The 6th respondent herein filed the Writ Petition to stay the public auction scheduled to be held on 27.11.2015, pursuant to the auction notice dated 12.11.2015 issued by the appellant, in respect of agricultural land of Acs.71.95 cents in Survey Nos. 20/1A, B,C and D etc., of Lingavaram Village, Chillakur Mandal, SPSR Nellore District, which was allotted to the family of the 6th respondent herein as remuneration for the services being rendered by him as an Archaka.

The fact that the subject land was allotted to the family of the 6th respondent-writ petitioner, for rendering services to the temple, is not in dispute. The justification for putting the lands to auction is stated, among others, to be for the reason that the 6th respondent-writ petitioner had debarred devotees from coming into the temple on the ground that they did not vote for his wife who contested in the M.P.T.C. elections held in 2015, he had sold silica etc. In the order under appeal, the learned Single Judge held that the property could not be put to auction unless physical possession of the land was taken from the 6th respondent after following the procedure established by law, and after evicting the 6th respondent-Writ Petitioner. It does not appear to be in dispute that no such proceedings were initiated for eviction of the 6th respondent-Writ Petitioner. The appellant herein is also said to have filed W.V.M.P. No. 4817 of 2015 seeking vacation of the interim order under appeal. In

such circumstances, it would be wholly inappropriate for us to interfere with the order under appeal or to make any observations on merits.

While dismissing the Writ Appeal, at the stage of admission, we make it clear that this order shall not preclude the appellant from requesting the learned Single Judge to hear and decide W.V.M.P. No. 4817 of 2015 at an early date.

Subject to the aforesaid observations, the Writ Appeal fails and it is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A. SHANKAR NARAYANA, J)

8th December, 2016

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