

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40503 OF 2016

DATED : 24.11.2016

Between :

Velaga Ramakoti S/o.Late Molaiah,
Hindu, Male, Aged 45 yrs,
Old Gunny Bags Business,
R/o.D.No.4-2-33, N.S.Market, Eluru,
Municipal A-Ward, T.S.No.1786,
Shop No.15, Eluru, West Godavari District & others.

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Petitioners

And

The District Collector,
West Godavari District,
Eluru. & others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioners claim to be in possession and enjoyment of the properties on which they have constructed shops and eking out their livelihood. Apprehending that petitioners are being dispossessed by the respondents illegally, more particularly 4th respondent, this writ petition is filed.

2. The averments made in the affidavit filed in support of the writ petition would disclose that 4th respondent instituted suits against petitioners seeking the relief of eviction on the ground of default in payment of rents and the suits were decreed in favour of the 4th respondent. Apparently, petitioners preferred appeals and the said appeals are stated to have been pending before the District Court, Eluru.

3. This fact would clearly disclose that the suits are decreed in favour of the 4th respondent and there is no stay of operation of the decree granted. That being so, it cannot be said that the action of the 4th respondent in seeking to evict the petitioners, as would be illegal and would be amounting to arbitrary exercise of power warranting interference of this Court. Therefore, I do not see any merit in the claim made by the petitioners. The writ petition is liable to be dismissed in limini and accordingly, dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

24th November, 2016
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