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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.14841 of 2011

ORDER ::

This writ petition is filed seeking to issue a writ of mandamus declaring the auction notice dated 25-05-2011 issued by the 3rd respondent-Tahsildar, Pichatur mandal, Chittoor District, proposing to conduct public auction to sell mango yield derived from the mango trees belonging to the petitioner in the lands owned and possessed by him in an extent of Ac.2-60 cents in Sy.No.162-1 and Ac.2-66 cents in Sy.No.162-3 Karuru village fields, Pichatur mandal, Chittoor district, under the guise that the lands in question are in possession and enjoyment of the Government, as being illegal, arbitrary and contrary to the procedure envisaged under the provisions of Act, 1977, violative of Constitutional rights guaranteed under Articles 14, 19, 21 & 300-A of the Constitution and consequently set aside the same, in the interest of justice.

2. This Court by order dated 07-06-2011, stayed the auction of mango trees' usufruct said to have been in possession of the petitioner on condition of depositing a sum of Rs.20,000/- to the credit of the Appeal No.ROC.G.2315 of

2010 preferred by the petitioner before the 2nd respondent-RDO, Tirupati. The said amount was directed to be kept in a separate account and not to be appropriated till the disposal of the appeal. The stay of auction of mango usufruct was restricted to that current year season i.e. 2011.

3. The above appeal before the RDO, Tirupati-2nd respondent was filed by the petitioner against the resumption orders passed by the 3rd respondent-Tahsildar, under Section 4 of the AP Assigned Lands (Prohibition of Transfers) Act, 1977, in respect of the subject lands, which the petitioner claims to be in possession and raised mango trees.

4. Now it is fairly conceded by learned counsel for the parties, that the appeal filed by the petitioner before the 2nd respondent-RDO, Tirupati, was also dismissed, against which the petitioner further carried the matter in revision before the 1st respondent-District Collector, Chittoor, and the revision is pending. It is also a matter of record that the petitioner filed another writ petition, being WP No.26690 of 2011 complaining that the 2nd respondent-RDO, Tirupati, has dismissed his appeal without giving him an opportunity to put

forth his case. However, the said writ petition WP No.26690 of 2011 was disposed of by this Court directing the 1st respondent-District Collector, Chittoor district, to dispose of the revision, as expeditiously as possible, and till then directed the parties to maintain status-quo with regard to the possession of the lands in question.

5. Coming to the facts of the instant case, inasmuch as this writ petition is only directed against the conduct of auction of the mango usufruct for the year 2011, by virtue of the stay of auction granted by this Court, the relief sought for by the petitioner is worked out and nothing survives for adjudication and no further orders are necessary to be passed in the writ petition. Even otherwise, the interest of the petitioner is protected by the status-quo order passed by this Court in WP No.26690 of 2011 till the disposal of the revision by the 1st respondent. In view of the same, the writ petition is dismissed as having become infructuous. Miscellaneous petitions, if any pending in this case shall also stand disposed of. There shall be no order as to costs.

A. RAJASHEKER REDDY, J

Dated: 11-04-2016
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