

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.1532 of 2016

Date:20.01.2016

Between:

Poliesetti Swamy Naidu,
S/o Late Reddamma

..... Petitioner

And:

State of A.P., repled by its Principal
Secretary, Revenue (Endts.I) Department,
Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. N.Siva Reddy

Counsel for Respondent Nos.1 & 2: GP for Endowments
(AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside notice, vide No.1/2016, dated 07.01.2016, of respondent No.3.

For disposal of this case, it is not necessary to record the facts in detail. It will suffice to note that the petitioner has filed O.S.No.82 of 1993 in the Court of the Senior Civil Judge, Amalapuram for declaration of his rights over the suit schedule property and the said suit was dismissed. However, Appeal Suit No.150 of 1999 filed by the petitioner and another person was allowed and the suit was decreed by the VIII Additional District

Judge (Fast Track Court), Amalapuram, East Godavari District by the judgment and decree, dated 04.11.2004. Thus, the rights of the petitioner over the suit schedule property were conclusively decided in his favour. Therefore, respondent No.3, being the sole defendant in the said suit, is not entitled to issue the impugned notice purportedly under Rule-19(ii) of the Andhra Pradesh Endowments Rules (for short 'the Rules').

Ms. K.Lalitha, learned Standing Counsel appearing for respondent No.3, has fairly conceded the above-noted facts. She has also submitted that Rule-19(ii) of the Rules, which is invoked by respondent No.3 in the impugned notice, itself, is kept in abeyance by the State Government.

In the light of the above facts and circumstances of the case, the impugned notice is unsustainable in law and the same is set aside.

The Writ Petition is, accordingly, allowed.

As a sequel to disposal of the Writ Petition, WPMP.No.1924 of 2016 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*20th January, 2016
DR*