

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 45505 of 2016

ORDER:

This writ petition is filed challenging the action of respondent No.4 in not taking any action against respondent No.5 in spite of complaint given by the petitioner on 01.12.2016.

A reading of the complaint, dated 01.12.2016, reveals that the petitioner took shop No.10/627, situated at Anacutta Road, Santhapet, Nellore, on lease, from Muslim Old Burial Ground Committee, Santhapet. A lease agreement was executed by the petitioner with the Committee on 28.02.2013. When respondent No.5 tried to interfere with the possession of the said property, the petitioner and one G.Srinivasulu filed O.S.No.140 of 2013 on the file of the I Additional Senior Civil Judge, Nellore for perpetual injunction and the said suit was decreed on 16.06.2015. No appeal was preferred against the said decree and the decree has become final. In spite of the same, when respondent No.5 again tried to interfere with his possession, a complaint was lodged by the petitioner on 01.12.2016. No specific overt acts are attributed to respondent No.5 in the complaint.

Since it is the allegation of the petitioner that respondent No.5 is violating the decree, dated 16.06.2015, it is open to the petitioner to take appropriate proceedings in accordance with law.

In the circumstances, the writ petition is disposed of giving liberty to the petitioner as aforestated.

Miscellaneous petitions, if any, pending in this writ petition shall also stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:24.01.2017

kdl

