

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.20142 & 20172 OF 2017

COMMON ORDER:

W.P.No.20142 of 2017 is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an order or orders or direction or a writ one in the nature of Writ of Mandamus, declaring the action of the respondent No.4 in issuing impugned notice No.39/2017 dated 09.06.2017 to the petitioner as the same is illegal, arbitrary, consequently set aside the same.”

2. W.P.No.20172 of 2017 is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an order or orders or direction or a writ one in the nature of Writ of Mandamus, declaring the action of the respondent No.4 in issuing impugned notice No.39/2017 dated 09.06.2017 to the petitioner as the same is illegal, arbitrary, consequently set aside the same.”

3. Since the issue involved in both the writ petitions is one and the same, they are being heard and disposed of by way of this common order.

4. Case of the petitioners in both the writ petitions is that on the ground of unauthorized occupation in respect of petals sheds in R.S.No.30/3, Kankipadu Village, Kankipadu Mandal, Krishna District, respondent No.4 issued the impugned notices, but G.O.Ms.No.426, Revenue (Endowments-1) Department, dated 09.11.2015, is not applicable to the cases on hand.

5. Learned Standing Counsel appearing for respondent No.4 in both the writ petitions stated that without challenging G.O.Ms.No.426, dated 09.11.2015, the present writ petitions are not maintainable; that if the petitioners are aggrieved over the issuance of the impugned notices, they are at liberty to make an appeal before the Andhra Pradesh Endowments Tribunal.

6. Considering the facts and circumstances of the case and the submission of the learned Standing Counsel, the petitioners are hereby directed to prefer an appeal before the Andhra Pradesh Endowments Tribunal on or before 30.07.2017 and seek appropriate remedy. Till filing of such an appeal, the respondents are directed not to take any coercive steps against the petitioners.

7. With the above direction, both the Writ Petitions are disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

JUSTICE RAJA ELANGO

Date: 13.07.2017
AMD

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Date: 13.07.2017

AMD