

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.24472 of 2017

ORDER

This writ petition is filed for the following relief:

“..... to issue a Writ/Order/direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with peaceful possession and enjoyment of the petitioner over the land to an extent of Ac.4-00 cents situated in Sy.No.13 of Avilala (V), Tirupati (R) Mandal, Chittoor District as illegal, arbitrary, without jurisdiction and in violation of Art.14 and 21 of the Constitution of India and consequently direct the respondents herein to follow the due process of law if they intends to do so against the petitioner's land to an extent of Ac.4-00 cents situated in Sy.No.13 of Avilala (V), Tirupati (R) Mandal, Chittoor District, as per law.”

When the matter is taken up for consideration, learned counsel on either side fairly concedes that in identical circumstances, this Court passed order on 13.7.2017 in WP Nos.22392 and 22562 of 2017 and relevant portion of the order reads as under:

“The writ petitions are bereft of particulars as to when and which respondents interfered and with what claim, if at all the respondents 3 and 4 are trying to interfere why the petitioners in both the writ petitions did not issue any notice.

According to 2nd respondent, the averments of the writ petitions are false and there is no manner of right and the alleged interference by respondents is a created cause and the

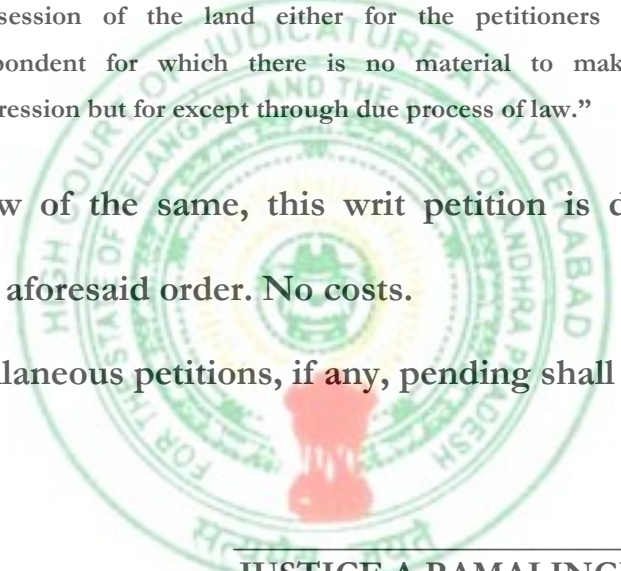
property is in possession and enjoyment of the 2nd respondent-mutt.

It is hardly believable that the official respondents 3 and 4 are any way interfering for the petitioners to maintain the writ petitions against them so also 1st respondent-State and coming to 2nd respondent even to rely on a scrap of paper of earlier acquisition in 1989. There is nothing before this Court as to whether such tenancy really subsists even date. Even if at all efficacious remedy is to approach the Tenancy Tribunal.

Having regard to the above, the writ petitions are disposed of, for nothing more to adjudicate. Needless to observe the respondents 3 and 4 shall not interfere with the possession of the land either for the petitioners or 2nd respondent for which there is no material to make any expression but for except through due process of law.”

In view of the same, this writ petition is disposed of in terms of the aforesaid order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

A large, faint, circular watermark seal of the High Court of Andhra Pradesh, Hyderabad, is centered in the background. It features the text 'HIGH COURT OF ANDHRA PRADESH' and 'HYDERABAD' around the perimeter, with a central emblem. Below the emblem, the text 'FOR THE STATE OF ANDHRA PRADESH' is visible.
JUSTICE A.RAMALINGESWARA RAO

23rd August, 2017
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