

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.31228 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 petitioners over the land to an extent of Ac.2-50 cents and Ac.1-09 cents situated in Survey No.13 of Avilala (V), Tirupati (R) Mandal, Chittoor District as illegal, arbitrary, without jurisdiction and in violation of Articles 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 petitioners land to an extent of Ac.2-50 cents and Ac.1-09 cents situated in Survey No.13 of Avilala (V), Tirupati (R) Mandal, Chittoor District, as per law.”

When the matter is taken up for admission, this Court feels it necessary to *suo motu* implead the Special Deputy Collector (L.A), Tirumala Tirupati Devasthanams, Tirupati as fifth respondent.

Learned counsel on either side fairly concedes that in identical circumstances, this Court passed an order on 13.07.2017 in W.P. 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. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 15.09.2017
Nsr

