

THE HON'BLE SRI JUSTICE M.S.K. JAI SWAL

WRIT PETITION No.11132 of 2007

ORDER:

This writ petition is filed for a mandamus, declaring the action of the respondents in trying to demolish and dispossess the petitioner from H.No.1-121-A, in Sy.No.4 to an extent of Ac.0.30 cents, situated at Sriramnagar Colony, Bhadrachalam village and Mandal, Khammam District, without issuing any proceedings and without notice, as illegal and arbitrary.

When the matter is taken up for hearing, both the counsel agreed that the issue raised in this writ petition is squarely covered by a common order, dated 20.12.2006, passed by this Court in W.P.No.25154 of 2006 and 2 other writ petitions, which were disposed of on identical issue.

This Court disposed of the said three writ petitions, the operative portion of which is extracted hereunder for ready reference:

“After hearing the learned counsel for the petitioners, learned Government Pleader for Endowments and the learned Assistant Government Pleader for Revenue (General-T), this court is convinced that the writ petition filed on a mere apprehension that the petitioners might be dispossessed forcibly. The learned Government Pleader and the learned Assistant Government Pleader agree that unless and until appropriate action is taken under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, the petitioners cannot be evicted.

Liberty is reserved to the third respondent to do so. Till the petitioners are evicted in accordance with law, their right to enjoy the property – notwithstanding their unsuccessful attempts to get ryotwari pattas under Regulation II of 1970 – cannot be disturbed.

The writ petitions, with the above observations, are accordingly disposed of. No costs.”

Having carefully perused the said common order and the averments contained in the affidavit filed in support of the present writ petition, I am satisfied that the petitioner raised the issue, which is identical to the issue raised in the batch of writ petitions, stated supra, and that the said common order squarely covers the issue raised in the present writ petition.

In view of the above, this writ petition is also disposed of in terms of the said common order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

Date: 01.09.2017
Dsr



M.S.K.JAI SWAL, J