

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22838 of 2017

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India, seeking to declare the action on the part of respondents 2 to 4 in not considering the representation/legal notice made by the petitioner, dated 23.06.2017, and proposed to entertain the application made by the unofficial 5th respondent or authorized persons by him to run wine shop by way of A4 license in the plaint schedule mentioned items in O.S.No.187 of 2015, on the file of the V Additional District Judge, Tirupathi, as illegal and arbitrary and consequently direct respondents 2 to 4 not to permit either the unofficial 5th respondent or any other persons authorized by him to run the wine shop insofar as plaint schedule mentioned items in O.S.No.187 of 2015, on the file of the V Additional District Judge, Tirupathi.

2. Heard learned counsel for both sides and perused the material available on record. With the consent of both the learned counsel, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the 5th respondent appears to have purchased undivided joint family property from one of the petitioner's paternal uncle's son and widow of other deceased son and when the 5th respondent has not co-operated for amicable division of properties, the petitioner and other family

members filed suit for partition and division of properties into two equal shares and to allot one such share for them in O.S.No.187 of 2015, on the file of the V Additional District Judge, Tirupathi. Without intimating the petitioner and without seeking permission from the petitioner, the 5th respondent is trying to let out a portion of the premises to run A4 wine shop.

4. The main grievance of the petitioner is that the petitioner issued a legal notice/representation to the official respondents not to entertain any applications from the 5th respondent or the persons authorized by him to run wine shop, insofar as the plaint schedule properties in O.S.No.187 of 2015, but so far, no action is taken on the said representation and the same is pending.

5. When the matter is taken up, both counsel agreed for disposal of the writ petition with a direction to the official respondents to expeditiously dispose of the representation of the petitioner, dated 23.06.2017.

6. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the official respondents to consider the representation of the petitioner, dated 23.06.2017, and after affording reasonable opportunity to the 5th respondent, pass appropriate orders, as warranted under law, as expeditiously as possible, and communicate the decision to the petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any pending, in the writ petition are closed.

RAJA ELANGO, J

Date: 11th July, 2017

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