

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8888 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking to declare the action of the respondent authorities in trying to evict the petitioner from the property admeasuring an extent of 1400 square feet, situated in T.S.No.798 of Jagannadhapuram, Hukumpet, Vizianagaram, without following due process of law, as arbitrary and illegal.

2. It is the case of the petitioner that his grandmother purchased the subject property under a registered sale deed on 15.04.1996 from one A.Jagannadha Gopala Rao. Later his grandmother executed a Will, dated 03.05.1984 bequeathing the property in favour of his father, who in turn bequeathed the property in favour of the petitioner. The petitioner constructed a house and he is in possession of the said property. The father of the petitioner also filed O.S.No.58 of 1998 on the file of Additional Junior Civil Judge, Vizianagaram questioning the action of the Endowments Department in auctioning the leasehold rights of the said property. The said suit was decreed on 07.11.2003 in favour of father of petitioner. The temple also filed O.A.No.92 of 2002 and the same is pending. Having filed the eviction petition before the Commissioner, Endowments, the respondent authorities are trying to interfere with the petitioner's possession and enjoyment of the property, which is the subject matter of the O.A.

3. Learned Standing Counsel, on instructions, submits that so far as the property, which is the subject matter of O.A.No. 92 of 2002, is concerned the respondents are not taking any action, however, he asserts that the other property which is not covered in O.A.No.92 of 2002 has already been in possession of the respondents.

4. Recording the respective submissions and the writ petition is confined only to the property which is the subject matter of O.A.No.92 of 2002 and also considering the fact that the respondents are not interfering with the same, the Writ Petition is closed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J

MARCH 14, 2017
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Date: 14.03.2017

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