

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.2277 of 2018

ORDER:

Heard learned counsel for the petitioner and also learned Government Pleader for Municipal Administration for respondent No.1 and by recording offer to file vakalat from the oral instructions by Sri A.Pandu Ranga Rao, learned Standing Counsel for respondent Nos.2 to 4, and the learned Government Pleader for Endowments for 5th respondent and offer to appear by Sri K.Lalitha, learned Standing Counsel for 6th respondent and perused the prayer in the writ petition with the supporting affidavit and other material on record including the copy of plaint in O.S.No.331 of 2017 filed by the petitioner herein against the 6 unofficial defendants in relation to the property of ward No.5, Block No.7, Guntur District, Kothapet, Seelam Vari Street, abutting to the Ganesh Temple and Jagannatha Swamy Group of Temples.

It is the averment that at the instance of the unofficial defendants of the suit supra against the petitioner herein as plaintiff obtained ad interim order of injunction in I.A.No.445 of 2017 on 12.06.2017, are trying to demolish and interfere with the private property of the petitioner.

A perusal of the writ petition prayer and the representation of the petitioner to the Municipal Commissioner by marking a copy to District Collector, Assistant Commissioner of Endowments and Deputy Commissioner of Endowments is that the unofficial defendants of the suit even by closing the place of the temple including the erstwhile dilapidated well

encroached and constructed for which they are not taking any action apart from having grievance from that representation they are hand in glove with the unofficial defendants to the suit in trying to interfere with the private property of the petitioner.

Undisputedly the suit is pending for the relief of permanent injunction against unofficial defendants of the suit. The petitioner is thus given liberty to implead the respondents to the writ petition as co-defendants by virtue of this order by filing application before the lower Court and also obtain appropriate orders consequently for amending the plaint and in the meantime for one month from date of receipt of this order existing status quo shall be maintained by both parties to the present writ petition, so that whatever the relief entitled by the petitioner he can effectively obtain in the civil suit by virtue of this order including in seeking demarcation of the property, if any, through advocate commissioner.

Accordingly and in the result, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 25.01.2018
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