

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.8591 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleaders for Municipal Administration and Home for the respective respondent Nos.1 and 3 and Sri M.D.Saleem, learned Standing Counsel appearing for respondent No.2 before ordering notice to respondent Nos.4 to 6 and perused the prayer in the writ petition with supporting affidavit and the other material on record.

2. The prayer in the writ petition reads as follows:

“.....to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus declaring the proposed action of the 2nd respondent in trying to amend the entries in the municipal records for the sheds situated in an extent of 4200 Sq.yard in Sy.No.401 of Ward No.5 in Siram Nagar area of Rameswaram Village, Proddatur Mandal, Kadapa District without following the procedure of law by succumbing to the pressures brought out by the respondents 4 to 6 herein through their political identities that too during the pendency of the suit in OS No.50/ 2018 on the file of the Principal Junior Civil Judge, Proddatur without putting the petitioner on notice or following the procedure contemplated under law, as being illegal arbitrary and in violation of Art 21 and 300A of Constitution of India and consequently direct the 2nd respondent not to take any steps in correcting the entries without following the procedure contemplated under law.....”

3. Undisputedly, as also pointed out by the learned Standing Counsel for respondent No.2-Municipality, the petitioner filed O.S.No.50 of 2018 wherein respondent Nos.2, 4 to 6 of the present writ petition are defendants 1 to 4

therein and that suit is for the self same property covered by Sy.No.401 of Ac.0.89 cents within the boundaries described therein and the present writ petition is also stated for the self same property of 4200 Sq.yards in the said Sy.No.401 of Ward No.5, Siram Nagar, Rameswaram Village, Proddatur, for the relief of permanent prohibitory injunction with regard to the interference of possession and enjoyment and from falsify or tampering of existing records by the Municipality.

4. Practically, the prayer in the said suit is covered by the writ petition. Hence, there is nothing to keep the writ petition pending but for to dispose of the same by directing respondent No.2 not to entertain any mutation afresh but for maintain the existing status quo for two months and in the meantime, the petitioner is at liberty to obtain any injunction order in the civil suit, for no need of duplicating the existing litigation.

5. With the above directions and observations, this Writ Petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date: 15.03.2018

pab