

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.10749 of 2011

ORDER:

The relief sought for in this Writ Petition is to declare the action of the Joint Collector, Chittoor in issuing endorsement dated 06.07.2009 as arbitrary, illegal and in violation of principles of natural justice. A consequential direction is sought to the 2nd respondent to issue a no objection to the petitioner for constructing and running a permanent cinema theatre under the name and style of Capital Cinema Talkies in the land measuring Ac.0.83 cts in Sy. No.392 of Venugopalapuram, H/o Karakambadi village, Renigunta Mandal, Chittoor District.

By way of interim relief, the petitioners sought a direction to the District Collector, Chittoor not to dispossess the petitioners from the land admeasuring Ac.0.83 cts in Sy. No.392 of Venugopalapuram, H/o Karakambadi village, Renigunta Mandal, Chittoor District, pending disposal of the Writ Petition. By the order, in WPMP No.13221 of 2011 in W.P. No.10749 of 2011 dated 29.04.2011, interim direction as prayed for was granted.

The District Revenue Officer, Chittoor, by his endorsement dated 06.07.2009, informed the 1st petitioner that, since the Settlement case in Sy. No.392 of Venugopalapuram, H/o Karakambadi village, Renigunta Mandal, Chittoor District, was pending before the Settlement Officer, Chittoor, her request for grant of No Objection, for construction of a permanent theatre at Venugopalapuram, H/o Karakambadi village, Renigunta Mandal, Chittoor District, could not be considered until finalisation of the Settlement case.

Learned Government Pleader for Revenue, on instructions from the District Collector, would submit that the Settlement case was subsequently finalised on 06.07.2009; and the claim of the petitioner was rejected holding that it is Government land, and the land vests in the Government.

As the impugned endorsement dated 06.07.2009, was issued rejecting the request of the 1st petitioner for grant of No Objection Certificate for construction of a permanent theatre on the ground that the Settlement case was pending; and, in as much as the Settlement case has since been finalised, the claimants right over the subject land has been negated, and it has been held that the subject land is Government land, the respondents cannot, at this stage, be directed to consider the petitioners' request for grant of No Objection Certificate, as the impugned endorsement was issued during the pendency of the Settlement case.

As the Settlement case has, thereafter, been finalised it is evident that the cause in the Writ Petition does not survive necessitating any further adjudication by this Court; and the Writ Petition has become infructuous. The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 09.03.2018

MRKR