

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WP.No.16143 of 2013

Date:02.08.2018

Between.

Dharmaji Rajalingam,
S/o D.Chinnaiah

.....Petitioner

And.

K.Venkat Ramana Reddy,
S/o Late K.Sridhar Reddy and six others.

.....Respondents

Counsel for the petitioner: Mr. N.Krishna Sumanth
For Mr. B.Vijaysen Reddy

Counsel for respondent Nos.1, 5 & 6: Mr. Naresh Reddy Chinnolla

Counsel for respondent No.7: Mr. J.Anil Kumar

The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Writ Petition is filed for the following substantive relief:

“... to issue a writ or order more particularly one in the nature of Writ of *Mandamus* declaring the award dated 04.1.2013 in LA.No.5/2013 passed by Lok Adalat bench of Nizamabad District at Nizamabad in OS.No.2/2011 on the file of the Principal District Judge of Nizamabad District at Nizamabad to the extent of agricultural land admeasuring 1 acre 15 guntas in Survey No.19 and 1 acre 5 guntas in Survey No.20 of Chittapoor Village in Balkonda Mandal of Nizamabad District as being illegal, void and unsustainable.”

Mr. C.Naresh Reddy, learned counsel for respondent Nos.1, 5 and 6, addressed letter, dated 05.7.2018, to the Registrar (Judicial) wherein he has mentioned as under:-

“The above Writ Petition was filed to declare the award dated 04.01.2018 made in LA.No.5 of 2013 passed by the Lok Adalat Bench, Nizamabad District at Nizamabad in suit-O.S.No.2 of 2011 on the file of the Principal District Judge, Nizamabad District at Nizamabad to the extent of agricultural land admeasuring Ac.1.15 guntas in Survey No.19 and Ac.1.05 guntas in Survey No.20 of Chittapoor Village, Balkonda Mandal, Nizamabad District as being illegal, arbitrary and unconstitutional.

It is submitted that the respondents herein have no objection for allowing the Writ Petition in respect of Ac.1.5 guntas in Survey No.19 and Ac.1.05 guntas in Survey No.20 of Chittapoor Vilage, Balkonda

Mandal, Nizamabad District. It is submitted that an award has been passed in L.A.No.5 of 2013 in respect of various agricultural lands and in view of the directions of this Hon'ble Court to call for the records, the records of L.A.No.5 of 2013 on the file of the Principal District Judge, Nizamabad District at Nizamabad has been forwarded to this Hon'ble Court and in view of the interim orders of this Hon'ble Court the answering respondent could not enjoy the other properties.

The respondents have no objection in allowing the Writ Petition in respect of Ac.1.15 guntas in Survey No.19 and Ac.1.05 guntas in Survey No.20 of Chittapoor Village, Balkonda Mandal, Nizamabad District. As the original record of L.A.No.5 of 2013 and the award are brought to this Hon'ble Court in view of the directions of this Hon'ble Court, the respondents are not in a position to register the award and enjoy the other properties in which there is no stay."

At the hearing, Mr. N.Krishna Sumanth, learned counsel representing Mr. B.Vijaysen Reddy, learned counsel for the petitioner, submitted that his clients are interested only in Ac.1.15 cents in Survey No.19 and Ac.1.05 cents in Survey No.20 of Chittapoor Village, Balkonda Mandal, Nizamabad District and the relief only to that extent is claimed in the Writ Petition.

In the light of the above, the Writ Petition is allowed as prayed for, with the observation that the impugned Lok Adalat award in respect of the remaining properties shall stand.

As a sequel to disposal of the Writ Petition, interim order, dated 05.6.2013, in WPMP.No.19562 of 2013 is vacated and WPMP.No.19562 of 2013 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

02nd August, 2018

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