

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

WRIT APPEAL Nos.1033 and 1035 of 2018

COMMON JUDGMENT: (Per the Hon'ble Sri Justice V.Ramasubramanian)

Challenging two different orders passed in two independent Writ Petitions, one filed by the mother and son and another filed by the son independently, seeking in one Writ Petition a direction to dispose of the representation and challenging in another Writ Petition the proposed action of the respondent in dispossessing them from Shop No.255, the present Writ Appeals have been filed.

2. Heard Sri S.Ashok Anand Kumar, learned counsel for the appellants, and Smt.K.Lalitha, learned Standing Counsel for the Tirumala Tirupati Devasthanam (TTD).

3. A person, by name Sri V.Subbarayulu, who is the paternal grandfather of Sri V.Hari Krishna, the sole appellant in W.A.No.1035 of 2018 and the second appellant in W.A.No.1033 of 2018, was allotted a shop in D-Type quarters way back in the year 1985 and he was permitted to shift the shop in the year 1996. He passed away in the year 2001 leaving behind him the surviving son, by name Sri V.S.Rajaiah @ V.Chena Raja. This V.S.Rajaiah @ V.Chena Raja was employed in TTD.

4. Therefore, the daughter-in-law of the deceased licensee made an application for allotment of the shop that stood in the

name of her father-in-law. The request was rejected by the proceedings dated 14.06.2013.

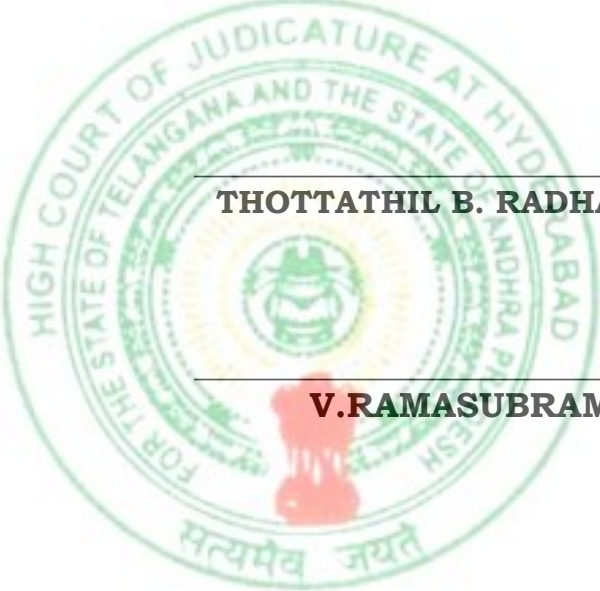
5. Thereafter, the grandson of the deceased licensee, who is the sole appellant in one Writ Appeal, made application on the basis of the alleged Will, dated 15.12.1989, executed by his grandfather.

6. Since the same was not considered and attempts were made to dispossess them, the grandson came up with a Writ Petition in W.P.No.12090 of 2017 seeking a direction to the respondent to consider his representation. Similarly, the mother and son came up with a Writ Petition in W.P.No.10498 of 2007 challenging the proposed eviction.

7. The Writ Petition in W.P.No.12090 of 2017 was dismissed by the learned single Judge on the ground that there was no right in law for the grandson to seek disposal of his representation, as a similar claim made by his mother stood already rejected by the proceedings dated 14.06.2013. The other Writ Petition challenging the action of the respondent in dispossessing the petitioners was dismissed on the ground that the order passed against the mother was never challenged and there was no question of inheritance of the right to licence. As a matter of fact, it is an annual licence and not even a lease. Learned single Judge rightly found that the son of the deceased licensee was already employed in the TTD and his wife and son cannot alternate in claiming inheritance rights to be the

licensee of a shop. As rightly submitted by the learned Standing Counsel for the Devasthanam, they have also been paid compensation in lieu of the acquisition of the original shop. Therefore, we find nothing wrong in the orders of the learned single Judge warranting interference in the appellate jurisdiction.

8. The Writ Appeals are, therefore, dismissed. The miscellaneous petitions pending in these Writ Appeals, if any, shall stand closed. There shall be no order as to costs.



THOTTATHIL B. RADHAKRISHNAN, CJ

V.RAMASUBRAMANIAN, J

02.08.2018
vs