

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.35147 OF 2013

ORDER:

The writ petitioner seeks writ of mandamus declaring the order passed by the 2nd respondent, who is the Tahsildar, Tadimarri Mandal, Anantapur District, in RC.No.153/ 2013/B, dated 06.06.2013, as illegal, arbitrary and against the principles of natural justice and consequently, set aside the same and pass order which the court deems fit. By the impugned order, the Tahsildar – 2nd respondent ordered that the rasta existing from times immemorial is to be restored to facilitate the ryots to pass through and any obstruction, if caused, will be viewed severely and criminal action will be initiated against such persons.

2. Official respondents 1 and 2 filed counter. Unofficial respondents 3 to 5 appeared through their counsel, but, counter is not filed so far.

3. When the matter came up for hearing, both the counsel for petitioner and counsel for respondents 3 to 5 would submit that respondents 3 and 4 herein have infact filed O.S.No.120 of 2012 on the file of Junior Civil Judge, Dharmavaram, against the present petitioner and some others seeking a permanent injunction restraining the defendants from interfering with the peaceful enjoyment of the rasta passing in Survey Nos.409, 410, 271 and 269 to reach the suit schedule survey number and restrain them from causing any damage to the pipeline in Survey No.273-1 etc.

reliefs. Both the counsel would further submit that the said suit is now ripen for arguments and is likely to be disposed of at the earliest. In that view, they requested that this writ petition may be closed permitting the parties to vindicate their respective rights before the civil court and till then, the *status quo* obtained as on today may be ordered to be maintained.

4. Learned Assistant Government Pleader for Revenue representing respondents 1 and 2, however, would submit as if the 2nd respondent has power to pass the order as contained in the impugned proceedings dated 06.06.2013. It should be noted that by acceding to the request of the petitioners and the respondents 3 to 5, this Court is only going to close the writ petition without giving finding on the merits and demerits of the case of each party, since they wanted to vindicate their respective rights before the civil court. In that view of the matter, the submission of learned Assistant Government Pleader need not be considered.

5. Accordingly, this writ petition is closed, with a direction that both the parties shall maintain *status quo* obtained as on today till the disposal of the O.S.No.120 of 2012 on the file of Junior Civil Judge, Dharmavaram. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

29.11.2018

*Note: Office is directed to communicate a copy
of this order to the concerned court.
B/o.SS*