

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.13785 of 2015

ORDER:

This writ petition is filed to declare the action of the 3rd respondent in allotting the shop No.2, New Choultry at Tirumala vide proceedings Roc.No.Rev.2/168/AEO(Rev)/Tml/2008 dt.10.9.2008 in favour of the 4th respondent on the ground of purchase of shop which was originally in favour of the petitioner's mother vide proceedings in Roc.No.PO4/546/AEO (REV)/TML/89 dated 9.4.1992 of the 2nd respondent as illegal and arbitrary and a consequential direction is sought to direct the respondents to re-allot and handover Shop No.2, New Choultry, Tirumala, to the petitioner.

The case of the petitioner is that her father's land was acquired for widening of the then by-pass road in Tirupati by the 2nd respondent; her father expired at the time of acquisition of the site; the 2nd respondent allotted shop to her mother as compensation; after the death of her mother, the same was run by the petitioner; her brother filed WP.No.1923 of 2015 and the said writ petition was disposed of directing the 1st respondent therein to consider the objections of the writ petitioner and the 5th respondent and to pass appropriate orders.

When the matter came up for hearing, learned standing counsel for the 2nd respondent passed on proceedings

Roc.No.Rev.2/168/AEO(P&R)/TTD/TML/2008 dated 26.11.2015,

which reads as under:

“Perused the connected files and records available. It is evident that Smt.J.Devi has been running the shop from 16.1.1998. the license of the shop was transferred in the name of Smt.J.Devi in this office orders dt.10.8.2008. Sri N.Suresh, N.Ramesh and N.Latha, legal heirs of N.Vasanthamma the original allottee of Shop did not raise any objection till 2015. Further, Smt. J.Devi has produced an affidavit of Sri N.Suresh attested by Notary stating that he has no objection for transfer of license for the said shop in favour of Smt.J.Devi. Even after transferring the license in the name of Smt.J.Devi the above said individuals did not file any objection regarding running of shop or transfer of license in favour of Smt.J.Devi for more than 6 years.

In view of the above balance of convenience is in favour of Smt.J.Devi and it is hereby ordered to maintain status-quo as on 13.8.2015 and Smt.J.Devi is allowed to run the shop for the time being. However, it will not preclude other three individuals i.e. Sri N.Suresh, N.Ramesh & Smt.N.Latha to approach the competent Civil Court on the validity of the un-registered sale letter purported to be executed by late N.Vasanthamma dt.16.1.1998 and sale letter executed by Sri N.Suresh dt.10.07.2008.”

In view of the above proceedings, the Writ Petition is disposed of giving liberty to the petitioner to work out her remedies, in accordance with law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 29/11/2018

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