

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.31611 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the 3rd respondent, in interfering with the possession and enjoyment of the petitioner over an extent of land admeasuring Ac.4.00 cents, situated at Sy.No.458 of Tiruchanoor Village, Tirupathi Rural Mandal, Chittoor District, as illegal and arbitrary over the said land.

The grievance of the petitioner is that though there is a decree and judgment dated 13.11.2015, passed by the Principal Junior Civil Judge, Tirupathi in O.S.No.242 of 2011, against the State and the 2nd respondent herein, the official respondents are interfering with the possession and enjoyment of the petitioner.

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue and Sri G. Seshadri, learned Standing Counsel for the 3rd respondent.

A perusal of the record would show that earlier when the revenue officials tried to interfere with the possession and enjoyment of the land, the petitioner filed a Writ Petition No.37976 of 2017, before this Court and this Court by the interim order dated 13.11.2017, in W.P.M.P.No.47165 of 2017, granted interim direction, as prayed for therein.

Learned counsel for the 3rd respondent would contend that the allegations made in the writ affidavit with regard to the interference of the officials of the 3rd respondent are absolutely incorrect. According to him, when the petitioner was trying to raise some constructions in the subject premises without obtaining any permission, the 3rd respondent-Panchayat Secretary, objected to raising of the constructions without obtaining proper permission. To which, learned counsel for the

petitioner would submit that any constructions to be made in the subject land, shall only be in accordance with law.

At this stage, learned Government Pleader for Revenue, would submit that an appeal suit is filed with C.F.No.3552 of 2018 against the decree and judgment dated 13.11.2015, passed by the Principal Junior Civil Judge, Tirupathi in O.S.No.242 of 2011, before the appellate court and it is pending consideration. It appears that no interim orders passed by the appellate court in the said appeal till date.

Having regard to the above, the writ petition is disposed of directing the 3rd respondent not to interfere with the possession and enjoyment of the property of the petitioner till orders if any are passed by the appellate court in the appeal suit, filed in C.F.No.3552 of 2018 against the decree and judgment dated 13.11.2015. However, if any constructions are made by the petitioner pending disposal of the appeal, the same shall be in accordance with law.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

C. PRAVEEN KUMAR, J

Dated:05.09.2018.
Gk

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