

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

I.A.No.4 of 2017

In/And

W.A.No.2007 of 2017

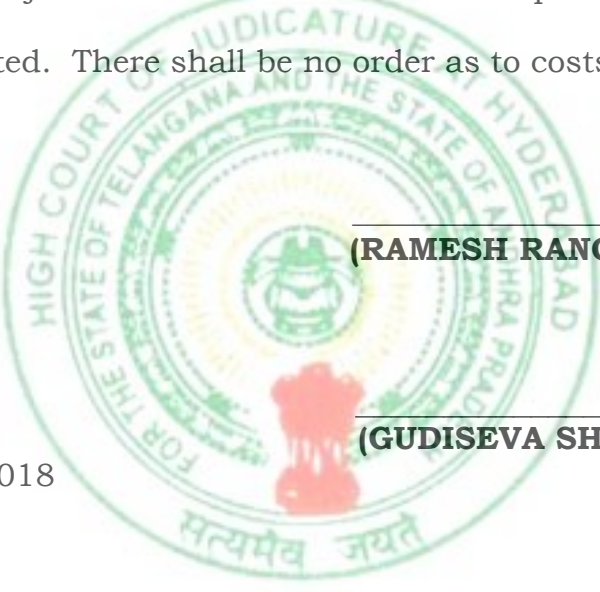
COMMON JUDGMENT : (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

I.A.No.4 of 2017 is filed seeking leave of this Court to prefer an appeal against the order passed by the Learned Single Judge in W.P.No.42547 of 2017 dated 14.12.2017. The petitioner in I.A.No.4 of 2017 is not a party to the writ petition. The 1st respondent herein filed the writ petition to declare the action of the Gram Panchayat, in not handing over possession of shop No.4 of Sri Thangirala Veera Raghavaiah Shopping Complex, Avanigadda, Krishna District to him pursuant to the open auction notice dated 21.03.2017, as illegal, arbitrary and in violation of the principles of natural justice. He sought a consequential direction to the respondents in the writ petition to hand over possession of shop No.4 to him.

In the order under appeal, the Learned Single Judge took note of the submission of the learned Standing Counsel for Gram Panchayats that the person, who was in occupation of the said shop, had filed a Civil Suit against the Gram Panchayat; no injunction was granted; and the Gram Panchayat had also filed a suit for recovery of the amount. The Learned Single Judge observed that, since there was no injunction operating against the Gram Panchayat, it was not known why the Gram Panchayat was not taking action to evict the person in whose favour the licence, granted earlier, had expired. The Gram Panchayat was directed to take appropriate action for handing over shop No.4, to which the 1st respondent-writ petitioner had become the successful bidder and had paid amount, within a period of two weeks from the date of receipt of the order.

The petitioner claims to have been allotted shop No.3, and not shop No.4. His complaint is that, under the guise of vacating shop No.4, respondents 2 to 6 are proceeding against the petitioner who is in occupation of shop No.3. The subject matter of the writ petition relates to shop No.4 alone. If the petitioner has any grievance with regards his being evicted from shop No.3, it is for him to avail his judicial remedies. We see no reason, therefore, to grant leave to appeal, as the petitioner can neither be said to be a person interested nor a person aggrieved by the order under appeal.

I.A.No.4 of 2017 is, accordingly, dismissed. Consequently, the Writ Appeal is rejected. Miscellaneous Petitions pending, if any, shall also stand rejected. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(GUDISEVA SHYAM PRASAD, J)

02nd January, 2018
JSU

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AND
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Date: 02.01.2018

JSU