

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.8080 of 2009

ORDER:

This writ petition is taken up for hearing in the Special sitting conducted on 02.11.2019 with the consent of learned counsel for the respective parties.

Heard Sri S. Madan Mohan Rao, learned counsel for the petitioner.

This writ petition is filed to declare the action of respondent No.1 in not considering the application dt.13.03.2009 of the petitioner for initiation of proceedings against respondent Nos.3 to 5 under the provisions of the A.P. Scheduled Area Land Transfer Regulations, 1959, as Amended by Act No.1 of 1970 (for brevity "Act No.1 of 1970") for an enquiry and eviction of respondent Nos.3 to 5 from the land to an extent of Ac.0.15 cents in Sy.No.20, situated at Maszid Centre, Bhadrachalam, Khammam District, as arbitrary, illegal and contrary to the provisions of the Act No.1 of 1970.

While issuing *Rule Nisi* on 20.04.2009, this Court did not see any reason to grant interim relief sought for in the interlocutory application and accordingly dismissed the said application. Despite *Rule Nisi* being issued on 20.04.2009, since the petitioner did not take any steps to comply with the said order, noting the same, this Court by order dt.26.04.2013 granted six weeks time to comply with the said order and observed that failing which the writ petition will be dismissed as against respondent Nos.3 to 5 without

reference to the orders of the Court. Despite the time granted by the Court, since no steps were taken by the petitioner to comply with the above said direction, the writ petition was dismissed as against respondent Nos.3 to 5, vide office endorsement dt.17.06.2013.

Learned counsel for the petitioner, while reiterating the averments in the affidavit filed in support of the writ petition, submits that respondent No.5 – Bhadrachalam Vasavi Kanyakaparameshwari Arya Vysya Nityannadana Satram Trust (Trust) is in illegal possession of the subject land of the petitioner in contravention of the provisions of the Act No.1 of 1970 and despite the complaint made by the petitioner against respondent Nos.3 to 5, no action has been taken by respondent No.1 – Sub-Collector and Agency Divisional Officer, Bhadrachalam.

The learned Assistant Government Pleader for Social Welfare reported no instructions in the matter.

After going through the material papers filed along with the writ petition, it is evident that respondent No.5 – Trust has made certain constructions in the subject land, which are of permanent in nature and such constructions could not have been made by respondent No.5 – Trust without having valid title over the land and without obtaining prior permission from the authorities concerned. It is also seen that such constructions made by respondent No.5 – Trust is for providing free food in the name of Nityannadana Satram, which would cater to the needs of the common public.

Having regard to the same and inasmuch as the writ petition filed by the petitioner is not supported by any material evidence, the same is liable to be dismissed as devoid of merits.

Also, since the relief sought for in the writ petition is to proceed against respondent Nos.3 to 5, against whom the petitioner did not choose to prosecute the same by not complying with the above said orders of this Court, this Court need not delve into the merits of the case and the writ petition does not require any adjudication.

Accordingly, this writ petition is dismissed as devoid of merits. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE T. VINOD KUMAR

02.11.2019.
Msr

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.8080 of 2009



02.11.2019

Msr