

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**

**WRIT PETITION No.30756 of 2022**

**JUDGMENT:-**

1. Heard Sri E.Satheesh Kumar, learned counsel for the petitioner and Sri N.Ranga Reddy, learned Standing Counsel for the respondent Nos.2 and 3.
2. With the consent of the parties counsels, the writ petition is being disposed of finally at this stage.
3. This writ petition under Article 226 of the Constitution of India has been filed for the following relief:-

*“It is therefore prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the action of the Respondent Authorities without following due process of law, and having any right over the vacant site belongs to petitioner and trying to interfere with peaceful possession of the petitioner private vacant site an extent of 55 Sq.yds in Sy.No.308/2 situated in Palamaner Municipality, Chittoor District as illegal, arbitrary and violation of Articles 19, 21 86 & 300-A Constitution of India and consequently directs the Respondents 2 and 3 not to dispossess the petitioner from her vacant site an extent of 55 Sq.yds in Sy.No.308/2 situated in Palamaner Municipality, Chittoor District, without following due procedure of law and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”*

4. The petitioner has filed this writ petition raising the grievance that the respondent authorities of the Municipality, without following the due process of law and having no right over the vacant site belonging to the petitioner were trying to interfere with the petitioner's peaceful possession thereof.

5. Sri N.Ranga Reddy, on the basis of the written instructions received from the Commissioner of the concerned Municipality submits that the respondent No.2 neither issued any notice to the petitioner nor is trying to interfere in petitioner's vacant land and never interfered without any due process of law, which is still in possession of the petitioner.

6. He further submits that if the petitioner's property or any part thereto is required for any public purpose, the same shall be taken only after following the due process of law.

7. In view of the above stand taken by the respondent/Municipality, no cause of action survives to the petitioner to further continue the petition.

8. Accordingly, recording the statement of learned Standing Counsel for respondent No.2, the writ petition is disposed of.

9. No order as to costs.

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

Date: 26.09.2022  
SCS

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**RAVI NATH TILHARI,J**

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**Date: 26.09.2022**

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