

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.13804 OF 2012

DATED:30-7-2015

Between:

Pitana Tata Rao

and others

... Petitioners

And

The Andhra Pradesh Industrial Infrastructure

Corporation Limited

Hyderabad

Rep. by its Vice-Chairman & Managing Director

Parisrama Bhavanam

6th Floor, Fateh Maidan Road

Hyderabad

and another

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. M.V. Raja Raam

COUNSEL FOR THE RESPONDENTS: Mr. P. Roy Reddy

THE COURT MADE THE FOLLOWING:

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ORDER:

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This writ petition is filed for a mandamus to declare the action of the respondents in seeking to dispossess the petitioners from their possession and enjoyment of the houses, huts and open land in various survey numbers of Pedagantyada Village and Mandal, Visakhapatnam District, as illegal and arbitrary.

The pleadings of both the parties would show that there is a serious dispute with

respect to the title over the land in dispute. While on the one hand the petitioners claim that the lands are private lands, it is the pleaded case of the respondents that the lands form part of larger extents of lands which are acquired for Visakhapatnam Steel Plant (VSP) and that the subject lands along with some other lands were handed over by the Government of Andhra Pradesh to the respondents as the same were unused by the VSP. The respondents have also denied the claim of the petitioners that they are in possession of the subject property. Thus, seriously disputed questions of fact arise out of the respective pleadings of the parties which can be adjudicated only by the competent Civil Court based on the oral and documentary evidence that may be adduced by both the parties.

In this view of the matter, while declining to adjudicate the writ petition on merits, the petitioners are relegated to the competent civil court for claiming appropriate reliefs.

Subject to the liberty given to the petitioners as above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, interim order dated 23.5.2012 shall stand vacated and W.P.M.P. No.17576 of 2012 and W.V.M.P. No.1675 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

30-7-2015

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