

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 21003 OF 2007

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Between:

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S.Krishna Perraju.Petitioner

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And

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Visakhapatnam Urban Development Authority,
Rep. by its Vice Chairman and Managing director,
Visakhapatnam and others.

... Respondents

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Date of Judgment pronounced: 22.07.2015

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Submitted for Approval:

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The Hon'ble Sri Justice A.Rajasheker Reddy

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1. Whether Reporters of Local newspapers
May be allowed to see the Judgments? Yes/No

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2. Whether the copies of judgment may be
Marked to Law Reporters/Journals Yes/No

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3. Whether His Lordship wish to see the fair
Copy of the Judgment? Yes/No

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 21003 OF 2007

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ORDER :

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This writ petition is filed seeking to issue writ of mandamus declaring that the action of the first respondent in not deleting the land of the petitioner in T.S.Nos.1535/1/P and 1532/P of Railway Station Road, Anakapalli from the layout of the 2nd respondent in BLP No.8 of

2000 and LP No.56 of 2006 and thereby allowing the 2nd respondent to consume about 68 cents of the land of the petitioner from out of Ac.1-59 cents, as illegal and arbitrary and consequently to direct the first respondent to delete the land of the petitioner from the sanctioned layout of the 2nd respondent and also to direct the respondents not to interfere with the possession and enjoyment of the petitioner over the land admeasuring Ac.1-59 cents in T.S.Nos.1535/1/P and 1532/P of Railway Station Road, Anakapalli, Visakhapatnam.

Heard both sides.

It is the case of the petitioner the petitioner made a representation on 12.01.2005 seeking permission for withdrawal of earlier agreement and cancellation of BLP.

By virtue of proceedings in Rc.No.1225/03/L3/Plg., dated 22.01.2005, the first respondent rejected the request of the petitioner for withdrawal of earlier agreement and cancellation of BLP, on the ground that VUDA accorded approval for sub-division of land vide BLP No.8/2000 and also approved layout in TS No.1537/p and 1544, relying on the undertaking furnished by the petitioner on Rs.100/- non-judicial stamp paper and also the BLP No.30/2003.

The aforesaid proceedings have not been challenged in the present writ petition and without challenging the said proceedings, the petitioner filed writ petition seeking to delete the land of the petitioner from the layout of the 2nd respondent. It is also stated by the petitioner that he has filed suit against the 2nd respondent for injunction and same is pending before the Court below.

In view of the above facts and circumstances, unless the proceedings dated 22.01.2005 of the first respondent is challenged, no relief can be granted to the petitioner in the writ petition, as such, the writ petition is liable to be dismissed.

Accordingly, this writ petition is dismissed. However, it is open

to the petitioner to challenge the proceedings dated 22.01.2005 of the first respondent. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

22.07.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. No.21003 OF 2007

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Date: 22-07-2015

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