

HON'BLE SRI JUSTICE R. KANTHA RAO

-
Writ Petition No.3813 of 2015

-
ORDER:

This writ petition is filed to declare the action of the respondents in interfering with the possession of the petitioner over the land in an extent of 1,295.11 square yards situated in Sy.No.281 of Madhurawada Village, Visakhapatnam District, without following due process of law, as arbitrary and illegal.

2. Heard the learned counsel appearing for the petitioner and Sri Y. N.Lohita, learned standing counsel for APSFC.

3. According to the petitioner, he is the owner of the scheduled land, having purchased the same under registered sale deed dated 03.01.2011. He filed the writ petition stating that the respondents have been interfering with his possession and enjoyment over the subject land, without having any right or interest in the property, with an intention to grab the land. Learned standing counsel for the APSFC submits that the land was taken possession by the 1st respondent in realisation of the debt under the provisions of the SARFASI Act, about a year ago.

4. From the submissions made by the learned counsel on either side, this Court is of the view that the issue involved in the instant case relates to the disputed question of fact with regard to title and possession of the petitioner. Therefore, this Court is not supposed to adjudicate the issue in exercise of the jurisdiction under Article 226 of the Constitution of India.

5. The writ petition is accordingly dismissed at the stage of admission. Pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

Date: 20.02.2015
BSS

HON'BLE SRI JUSTICE R. KANTHA RAO

-
-
-
-
-

-
-
-

16

Writ Petition No.3813 of 2015

Date: 20.02.2015

-
BSS