

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.17639 of 2015

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Between:

Vuggirla Rajendra Prasad

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Revenue Department, Secretariat Buildings, Secretariat,
Hyderabad, and others.

RESPONDENTS

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ORDER:

The petitioner claims to have purchased an extent of Ac.1.00 of dry land in D.No.341 of Pedapudi Village, Navaluru Sivaru, Mangalagiri Mandal, Guntur District from the 5th respondent herein and entered into sale agreement dated 05.03.2001. Since the 5th respondent was not executing regular sale deed the petitioner filed O.S.No.73 of 2008 on the file of the Senior Civil Judge, Mangalagiri, Guntu. The Said suit was decreed in favour of the petitioner on 30.07.2009 directing the 5th respondent to execute regular sale deed. Since the 5th respondent did not comply with the judgment and decree passed in the suit, the petitioner filed E.P.No.11 of 2013 on the file of I Additional Senior Civil Judge, Mangalagiri and the same is pending. At that stage stating that the said land is within the Andhra Pradesh Capital Region Development Authority (CRDA) and is covered by Andhra Pradesh Capital Region Development Authority Act, 2014 (for short 'the Act'), respondents 3 and 4 have acquired the petitioner's land for the purpose of development of National Highway No.5, and the petitioner also gave willingness for acquisition. Alleging that though the petitioner succeeded before the trial Court and though the 5th respondent is not entitled to receive the amount in lieu of the said acquisition, the respondent-authorities are paying the amounts and CRDA bonds to the 5th respondent, the present writ petition is filed.

2. As seen from the averments in the writ affidavit and the material papers enclosed, no application is filed by the petitioner before the authority informing the authority that he has succeeded before the Civil

Court and in terms thereof, he alone is entitled to receive the amount. If only such an application is filed, the authority under the Act is entitled to enquire into the ownership of the property concerned and decide upon the entitlement of the persons to receive the benefits according to the provisions of the Act.

3. According to Section 50 of the Act when there is a dispute as regards the ownership, the authority is under obligation to resolve the said dispute by following due process of law. According to Section 94 of the Act, the authority is vested with the powers of civil Court including to summon, enforce attendance, discretionary, and production of documents, receiving affidavits etc. Thus without invoking the jurisdiction of the competent authority in accordance with the provisions of Act, 2014 the petitioner straight away approached this Court invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

4. Though the petitioner stated to have submitted an application, which was enclosed as material paper to the writ petition, it does not contain the date and there is no proof of submission and acknowledgement by the competent authority. In the absence of proof of submission of such application, it cannot be said that the authority failed to act upon the said application. In view of the same no relief can be granted in this writ petition and the same is liable to be dismissed.

5. Accordingly the writ petition is dismissed. However, it is left open for the petitioner to file appropriate application before the authority under the Act 2014. As and when such application is filed, the authority concerned shall consider the same and pass appropriate orders as warranted by law, within a period of four weeks from the date of filing of such application. No order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J.

18th June, 2015
Js.