

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1540 OF 2009

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ORDER:

The case of the petitioner is that he is the lessee of a vacant site bearing Door No.17-11-7, T.S.No.509, situated near Fort (3 temples), Vizianagaram, belonging to late Sri Rudrabhatla Venkata Gouri Rama Sastry for a period of 99 years. A lease deed was also executed in favour of the petitioner and since then petitioner has been paying municipal taxes. It is also stated that petitioner was also granted permission for construction of R.C.C. Building over the said land. While the matter stood thus, petitioner has filed OS.No.533/2001 on the file of Prl.Junior Civil Judge, Vizianagaram, against the Executive Officer of the 3rd respondent who claimed to be the owner of the above said property. The 3rd respondent also filed OS.No.320/2002 on the file of Prl.Junior Civil Judge, Vizianagaram. Later, both suits were dismissed as infructuous. Against which, the petitioner filed appeal in AS.No.130/2007 on the file of District Judge, Vizianagaram and the same is pending. The petitioner further submits that though the pattadar pass book has been issued in favour of his lessor, the 2nd respondent deleted the name of petitioner's lessor in the town Survey Register. Aggrieved by the same, present writ petition is filed.

The 3rd respondent filed detailed counter-affidavit.

Now, the learned counsel for the petitioner submits that the appeal filed by the petitioner in AS.No.130/2007 was also dismissed on 06.01.2012.

In the present case, the petitioner is not the owner, he is only a lessee of the subject property. The 3rd respondent also filed detailed counter-affidavit claiming the subject property. Since the petitioner has lost civil litigation and that the municipal authorities are also bound by the decision rendered by the Civil Court, now the petitioner cannot deny the findings given by the Civil Court

and that this Court also cannot decide the title of the subject property in the writ petition. In view of the findings given by the Civil Court and in view of the dismissal of first appeal, I do not find any merits in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

03.06.2015

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