

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.29093 of 2009

ORDER:

The challenge in the present writ petition is the inaction on the part of the respondents 2 to 5 in shifting the dead body of one Kota Peda Yesuratnam and forcefully buried in the land of the petitioner in R.S.No.72 of Punnavalli Village, Chandarlapadu Mandal, Krishna District without any right whatsoever.

2. According to the counter affidavit and the instructions received from SHO, Chandarlapadu Police Station, Krishna District on 23.1.2014, Cr.No.180 of 2009 under Section 107 Cr.P.C. was registered on 30.12.2009 against the petitioner and others and the Revenue Divisional Officer, Vijayawada bound over the parties for their good behaviour. It is further stated that the petitioner herein has executed a Gift Settlement Deed on 7.2.2011 in favour of State of A.p. with regard to land admeasuring Ac.1.00 in R.S.No.72 of Punnavalli Village, Chandarlapadu Mandal, Krishna District. On instructions, it is stated by the learned counsel for the petitioner that by exerting pressure on his client, the authorities got executed the gift settlement deed, as such the same cannot be acted upon. In the considered opinion of this Court, the said aspect with regard to validity or otherwise of the gift settlement deed cannot be decided in a writ petition.

3. In view of the above reasons, the writ petition is closed, with a liberty to the petitioner to assail the validity of the said gift settlement deed before appropriate forum of law, in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 28.1.2015

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Between:

V.Hanumantha Rao

... Petitioner

and

Government of A.P., rep. by

Principal Secretary (Home), Secretariat,

Hyderabad and others.

... Respondents