

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.30753 of 2015

ORDER:

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This writ petition is filed to declare the action of 2nd respondent in threatening to interfere and dispossess the petitioner from his land to an extent of 14520 square yards in Sy.No.517 and 518, House No.6-5-53 of Vidyanagar area, Siricilla, Karimnagar District without following due process of law as illegal and arbitrary.

It is the case of the petitioner that he purchased the land through registered agreement of sale-cum-General Power of Attorney for sale consideration of Rs.3,00,000/- from one Chennamaneni Jagan Mohan Rao and Chennamaneni Ashok Rao. The pattadar passbooks and title deeds were also issued to him. After that the 2nd respondent without following due process of law and without issuing any notice, trying to interfere with his peaceful possession and enjoyment over the lands in Sy.No.517 and 518 an extent of area 14520 square yards. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner, who submits that the 2nd respondent-Municipality has no right to interfere with the petitioner's possession and dispossess the petitioner from the subject property without following due process of law. He also submits that the petitioner has purchased the same from Chennamaneni Jagan Mohan Rao and Chennamaneni Ashok Rao through an agreement of sale-cum-General Power of Attorney in the

year 2004. Thereafter, he applied for permission for making lay-outs. The petitioner was also issued pattadar passbooks and title deeds.

Sri N.Praveen Kumar, the learned Standing counsel for the respondent-Municipality states that the civil suit was filed by the vendors of the petitioner in O.S.No.124 of 2003 on the file of Junior Civil Judge, Siricilla for perpetual Injunction and the same was dismissed

on 24-06-2015. The petitioner has no independent right, since the petitioner has purchased under agreement of sale-cum-General power of Attorney from his vendors.

Though the learned counsel for the petitioner states that lay-out permission was granted and pattadar passbooks were issued to the petitioner, these are all disputed questions of fact which cannot be decided by exercising power under Article 226 of Constitution of India and this Court cannot also declare the title of the petitioner.

In view of the same, the issue cannot be decided in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, the petitioner can approach the appropriate Civil Court for ascertaining his rights. As and when, the petitioner approaches the Civil Court, it may decide the issue without being influenced by the observations made in this order. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY,J

06-10-2015

Nvl

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.17618 of 2014

Date: 02.07.2014

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