

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

W.P.No.14416 of 2009

Between:

Kalla Venkata Rao

... Petitioner/Appellant (s)

And

Greater Visakha Municipal Corporation

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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| 1 | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see
the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.14416 OF 2009

O R D E R

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The case of the petitioner is that the respondent has forcibly occupied the land of the petitioner in Sy.No.6/5A over an extent of 0.45 cents situated at Kothavenkojipalem by removing his thatched house and started construction of compound wall. Immediately the petitioner sent notice on 18.03.2009 to the respondent seeking restoration of the possession of the land and for removal of compound wall. As no action has been taken, the present writ petition is filed.

Counter is filed by the respondents stating that the land which the petitioner is claiming is an open space in LP.No.15/97 and does fall under Sy.No.6/5 of Venkogipalem Village. It is also stated that there is dispute regarding identity of the property and this Court appointed advocate-Commissioner on 29.10.2013 to make local inspection of the subject site in question in Sy.No.6/5A. After inspection, the advocate Commissioner submitted a report stating that land claiming by the petitioner forms part of LP.No.15/97 in Sy.No.14. Even when the second Advocate-Commissioner was appointed, he also reported the same.

In view of above, this Court cannot go into disputed questions of fact in the writ petition. Hence, I am not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. However, it is open for the petitioner to establish his right title in appropriate forum in accordance with law. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 11.08.2015

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