

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.17594 of 2015

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Between:

Rajavarapu Annapurna

PETITIONER

AND

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

RESPONDENTS

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.17594 of 2015

ORDER:

The petitioner claims to have purchased Ac.0.95 cents of dry land in Sy.Nos.343-B, 345-C of Bethapudi Village, Hamlet of Navaluru, Mangalagiri Mandal, Guntur District from the 5th respondent herein under sale agreement dated 25.09.2006. Since the 5th respondent was not executing regular sale deed the petitioner filed O.S.No.278 of 2010 on the file of the District Judge, Guntur for specific performance of sale agreement. 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 said land for the development of National Highway No.5, and the petitioner also gave willingness for acquisition. Alleging that even though the suit is pending and even without settling the issue of entitlement to receive the benefits, the respondent-authorities are trying to disburse the amounts and CRDA Bonds in favour of the 5th respondent, the present writ petition is filed.

As seen from the averments in the writ affidavit and the material papers enclosed, it appears that there is a dispute with regard to the ownership between the petitioner and the 5th respondent in respect of some extent of land, and the petitioner instituted O.S.No.278 of 2010, which is pending on the file of the District Judge, Guntur District and no injunction has been granted in the said suit.

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, discovery, and production of documents, receiving affidavits etc.

The writ petition is filed by the petitioner without invoking the jurisdiction of the competent authority, that too, when the suit is pending. The relief sought for by him cannot be granted and the respondent authority cannot be directed not to disburse the amounts as payable in accordance with the provisions of the Act, to the persons identified, who are entitled to receive the benefits.

Thus this writ petition, at this stage, is not maintainable, more particularly, when the suit is pending before the competent court. Accordingly the writ petition is dismissed with liberty to the petitioner to file appropriate application before the competent authority under the Act or take course of action as warranted under law. As and when such application is filed the same shall be considered by the competent authority in accordance with the provisions of the Act as expeditiously as possible. No order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J.

18th June, 2015

Js.