

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

WRIT PETITION No.24778 of 2015

Between:

S. Naryana Babu,
S/o. Krishnama Setty,
Age 62 years, Occ: Business,
R/o. Bazar Street,
Punganur Municipality,
Chittoor District, A.P.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Prl. Secretary,
Municipal Administration &
Urban Department,
A.P. Secretariat, Hyderabad & 3 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

According to the petitioner, the family of the petitioner owned Ac. 0.13 cents of land in Survey Nos.153/7 and 168/1, situated at Punganur Municipality, Chittoor District. His ancestors gifted Ac. 0.10 cents of land for establishment of Municipal Elementary School, Kattakindapalyam Punganur Municipal Chittoor District, in two spells each time Ac. 0.05 cents. After Ac. 0.10 cents of land was gifted, there remains Ac. 0.03 cents belonging to the family of the petitioner. The petitioner intends to construct a house in the remaining extent of land and accordingly applied for permission. As the petitioner was informed that there was no vacant space left in the said survey number, in order to ascertain the fact, the petitioner requested for conducting of survey and at his request, survey was conducted and according to the Surveyor, though the petitioner's family gifted only Ac. 0.10 cents of land, the school is in physical possession of the entire extent of land. To this extent, an endorsement was given by the Tahsildar, Punganur Mandal, Chittoor District (4th respondent) vide File No.64, dated 05.03.2015.

2. The endorsement given by the Tahsildar makes it clear that the petitioner is not in possession of Ac. 0.03 cents of land claimed by him and school is in possession. If that is so, unless the petitioner reclaims his possession by due process of law, the petitioner cannot apply for sanction of building plan and

cannot construct building. Learned counsel for the petitioner submits that according to the document by which the land was gifted, the boundaries were also shown and those boundaries would clearly point out that the location of Ac. 0.03 cents of land is still belonging to the family of the petitioner. If what is stated by the petitioner is right, the petitioner can ventilate his grievance before the appropriate authorities regarding the same or the petitioner has to work out his grievance as available in civil law.

3. Leaving it open to work out the remedies available to the petitioner, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 7th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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