

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 35612 of 2016

Date : 17.11. 2016

Between :

Tokada Appa Rao S/o late Ramulu
R/o 21-43-1
Nellimukka village, Pedagantyada,
Visakapatnam district

Petitioner

And

Visakhapatnam Urban Development Authority,
Rep by its Vice Chairman,
Visakapatnam and another

Respondents

The Court made the following:



ORAL ORDER:

This writ petition is filed praying to issue a mandamus directing the first respondent to consider the representation of the petitioner in relation to property to an extent of Ac. 5.00 in Survey Nos. 373/2, 375/3 and 4, Kapulauppadu village, Bheemunipatnam mandal, Visakapatnam stating that the documents submitted by the second respondent for permission are forged and fabricated.

2. According to learned counsel for petitioner, petitioner is owner of the subject property, whereas, second respondent illegally applied for building/lay-out permission claiming himself as owner or authorized to undertake development and if building/lay-out permission is granted, grave prejudice would be caused.

3. Learned standing counsel, on instructions, submitted that building permission was already granted in the year 2015 and there is inter-se dispute between family members and petitioner has instituted suit in O.S No. 752 of 2015 on the file of VII Additional District Judge, Visakapatnam wherein respondents 1 and 2 herein are also arrayed as defendants.

4. Since suit is already instituted, petitioner should prosecute his claim in the pending suit. Further, as informed by the learned standing counsel, building /lay-out permission was already granted, therefore at this stage, there cannot be a direction to consider the representation of the petitioner before granting building /lay-out permission. Accordingly, writ petition is dismissed leaving it open to the petitioner to workout his remedies. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:17.11.2016
TVK

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