

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.38612 of 2012

ORDER:

Petitioners pray for Mandamus directing the respondents not to interfere with the peaceful possession and enjoyment of petitioners.

2. The averments, in brief, are that the petitioners are owners of house plots in Sy.Nos.119/10, 119/4C/8, 119/4C/10, 119/10, 119/4C/5, 119/4C/1 and 119/4C/8 at Vadlapudi Village, Gajuwaka Mandal, Visakhapatnam District and that petitioners have purchased these house plots from one Kovvuri Vijaya Rama Raju, GPA holder of original owners Moturu and Pilli people.

3. The case of petitioners is that the third respondent acquired vast extent of land for establishment of Steel Plant in Visakhapatnam. According to petitioners, on the representation filed by the original owners, through proceedings dated 12.04.1987, the District Collector, Visakhapatnam deleted a few of the survey numbers and directed reconveyance subject to fulfilment of certain terms and conditions. Therefore, it is asserted that the plots now purchased by the petitioners form part of the lands directed to be reconveyed and the petitioners are owners and in possession of the respective plots.

4. The contesting respondents filed counter affidavit and a dispute on the very survey numbers, which are stated to have been reconveyed, is raised by the respondents. Reference to counter filed by third respondent further shows that the very identity of survey numbers, which are reconveyed, is in dispute. The relevant portion of the counter is as follows:

“4. In reply to the averments made in para 3 of the petitioner's affidavit, it is submitted that, the land in Sy.No.119/10A, 119/10B and 119/10C were acquired under Award No.3/80, dt.9.5.1980. It is not correct to say that the land in Sy.No.119/10 was not acquired. The compensation amount was paid to the original land owners and the possession of the land was taken by Visakhapatnam Steel Project. It is submitted that the land in Sy.No.119/10 i.e. 119/4C/11 was not reconveyed to the land owners. The petitioners cannot claim any right in the land in Sy.Nos.119/10A, 119/10B and 119/10C i.e. 119/4C/11.

5. In reply to the averments made in para 4 of the petitioner's affidavit, it is submitted that the alleged Sale deed obtained in respect of the land in Sy.Nos.119/10a, 119/10B and 119/10C i.e. Sy.No.119/4C/10I are null and void as the said land was acquired under Award No.3/80, dt.9.5.1980 and the land was vested in the APIIC. The petitioners are not in possession of the land in Sy.Nos.119/10A, 119/10B and 119/10C i.e. 119/4C/11. The possession of land is with APIIC, Visakhapatnam.

The petitioners have absolutely no right in the land in Sy.Nos.119/10A, 119/10B and 119/10C i.e. 119/4C/11 and they are not in possession of the land. The alleged Sale deed under which they have purchased the land in Sy.Nos.119/10A, 119/10B and 119/10C i.e. 119/4C/11 are null and void as it was acquired under Award no.3/80, dt.9.5.1980."

5. This Court is of the view that the prayer of petitioners is general or in blanket terms, ought not be considered by this Court. If the petitioners have right and title and if they are advised, they have to work out their remedies in a properly instituted suit or proceeding, seek appropriate reliefs. From the material available on record, no relief can be granted to petitioners.

The writ prayer fails, rejected and the writ petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S.V. BHATT, J

June 24, 2016/DSK