

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.41111 of 2016

ORDER:

The case of the petitioners is that originally one Dalli Appanna was the owner of land to an extent of Ac.0-14 cents in Sy.No.45/17 cents situated at Resapuvanipalem, backside of Satyam Computers, Visakhapatnam. Said Alli Appanna had four sons namely- Dalli Krishnamma, Dalli Ramaswamy, Dalli Appalaswamy and Dalli Lakshmaiah. Dalli Krishnamma is the grand father of petitioners and he had four sons i.e. Dalli Appala Reddy and three others. The father of the petitioner Dalli Appala Reddy had three sons and two daughters namely;- Dalli Tarakeswara Reddy, Dalli Prasad Reddy, Dalli Bhagya Lakshmi, Dalli Atchi Pameela and Late Dalli Krishnamohan Reddy. The petitioners are the legal heirs of Dalli Appala Reddy and there is no partition between the legal heirs to the land in Sy.No.45/17 admeasuring Ac.0-14 cents situated at Resapuvanipalem, backside of Satyam Computers, Visakhapatnam. It is stated that in the year 2001, the petitioners and their brothers have executed a development agreement with GPA in favour of Chukkala Rohit Kumar for development to another land admeasuring Ac.0-68 cents covered by Block No.1, S.No.5 of Waltair Ward within the limits of

Visakhapatnam Municipal Corporation. Originally, the land was purchased Dalli Krishnamma, grand father of the petitioners, under registered sale deed dated 19-12-1950 of Book-I, 374 Volume, 175 to 176 Pages vide Doc.No.2353 of 1950 from one A.V.Bhanoji Rao during his life time. Some part of the property was disposed of by him to various persons and thereafter, he is having 765.65 square yards and died intestate on 26-06-1966 leaving behind him the petitioners and their brothers as his legal heirs. Ever since, the petitioners and their brothers are the owners of said land. The 2nd respondent-Corporation proposed to acquire the land for road widening and the 2nd respondent agreed to execute agreement for acquiring the land with the family members of petitioners. The petitioners made a representation on 15-11-2016, while so, the 2nd respondent without considering the case of the petitioners entered into agreement with the other family members of the petitioners. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioners, who submits that the petitioners are entitled for share in the subject land. Without considering the claims of the petitioners, the respondent-Corporation has entered in to agreement with the other family members of the petitioners.

On the other hand, Sri S.Laxmi Narayana Reddy, Standing Counsel for respondent-Corporation submits that already T.D.R certificate was issued in favour of Dalli Tarakeswara Reddy, S/o.Appala Reddy and the respondent-Corporation cannot decide the title disputes between the petitioners and Tarakeswara Reddy.

From the facts stated in the affidavit and submissions made by counsel, it appears that there is a civil dispute among the parties, which involved the disputed questions of fact. But basing on consent given, TDR certificate was already issued. Now, this Court cannot go into the disputed questions of fact involving title to the property and decide the issue.

Having regard to the above, no relief can be granted in the writ petition. It is open for the petitioners to approach the civil Court for agitating their rights.

Subject to above, the writ petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

30-11-2016
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