

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41098 of 2016

Date: 28.11.2016

Between:

Baddipudi Malleswari W/o Balarami Reddy,
Aged about 62 years, Occu: Agriculture,
R/o. Tadepalli, Guntur District, Andhra
Pradesh.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Municipal Admn. & Urban Development
Department, Secretariat, Hyderabad and another.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims that her father purchased the agricultural land to an extent of Ac.1.00 cents in Sy.No.100 of Tadepalli, Guntur District in the year 1997 and after demise of her father and mother, respectively, the property devolved on her and the entries are made in the revenue records reflecting her name as owner of the property. While so, the authorities of Tadepalli Municipality are interfering in the property of the petitioner by falsely making a claim that the property belongs to Gram Panchayat, which was later converted into Municipality. Petitioner challenges the alleged interference in this writ petition.

2. The averments made in the affidavit filed in support of the writ petition would show that there is a dispute between the petitioner and 2nd respondent regarding title and ownership of the property in issue. It appears that Municipality is claiming the subject property belong to them and not to the petitioner. Thus, there is a dispute regarding ownership and title of the property. Like any private party, Municipality is entitled to own/stake claim to a land as it belongs to it. This Court cannot go into the rival claims of ownership and resolve the dispute between two contesting parties in exercise of power of judicial review under Article 226 of the Constitution of India. If what is contended by the petitioner is true, petitioner has to avail common law remedy to establish her title and ownership.

3. Writ petition is dismissed, leaving it open to the petitioner to work out her remedy as available in common law. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

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