

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.3318 of 2013

ORDER:

The Petitioner prays for Mandamus directing the respondents not to interfere with his peaceful possession and enjoyment of the plots bearing Nos.49 and 49-A, to an extent of 300 square yards and 75 square yards, respectively, in Sy.No.119/10, situated at Vadlapudi Village, Gajuwaka Mandal, Visakhapatnam District.

2. The averments, in brief, are that the petitioner is owner of the house plots bearing Nos.49 and 49-A, to an extent of 300 square yards and 75 square yards, respectively, in Sy.No.119/10, situated at Vadlapudi Village, Gajuwaka Mandal, Visakhapatnam District, and that the petitioner has purchased these house plots from one Kovvuri Vijaya Rama Raju, GPA holder of original owners Moturu and Pilli people.

3. The case of petitioner is that the third respondent acquired vast extent of land for establishment of Steel Plant in Visakhapatnam. According to the petitioner, on a 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 re-conveyance subject to fulfillment of certain terms and conditions. Therefore, it is asserted that the plots now

purchased by the petitioner form part of the lands directed to be re-conveyed and the petitioner is owner 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 re-conveyed, is raised by the respondents. A reference to the counter filed by third respondent further shows that the very identity of survey numbers, which are re-conveyed, is in dispute. The relevant portion of the counter is as follows:

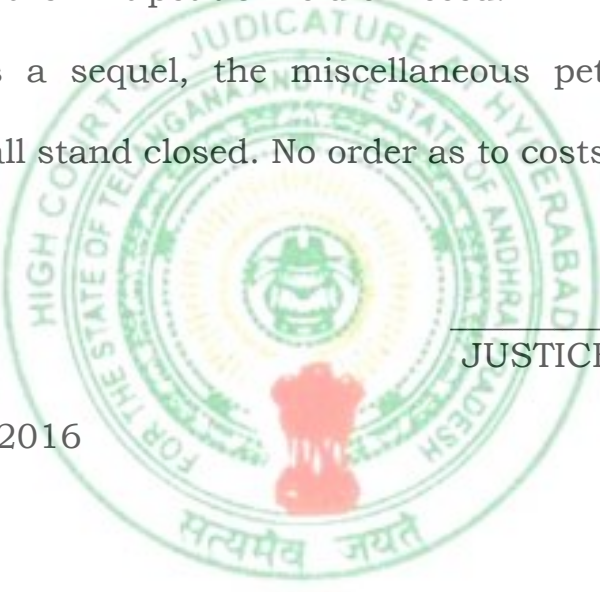
“In reply to the averments made in para 3 of the petitioner’s affidavit, it is submitted that, it is absolutely false to say that the petitioner is in possession of the land in Sy.No.119/10. As already submitted the land in Sy.No.119/10 in an extent of Ac.1.36 cents was acquired vide Award No.3/80, dated 9.5.1980. The possession of the entire land was delivered to Steel Project, Visakhapatnam, and transferred to the APIIC, Visakhapatnam, on 05.12.1990 is in possession of the APIIC in respect of the land in Sy.No.119/10A, 119/10B and 119/10C. It is absolutely incorrect to say that the petitioners approached the 3rd respondent. The petitioners never approached the 3rd respondent and sought for any clarification.

The allegations made in para-4 of the petitioner’s affidavit are not correct. The petitioner is not in possession of the land in Sy.Nos.119/10A, 119/10B and 119/10C. The land in dispute is in the possession of APIIC, Visakhapatnam, at present. Therefore, there is no question of the respondents interfering with the alleged possession of the petitioner. The petitioner is having neither title to the

land nor possession of the land in Sy.Nos.119/10A, 119/10B and 119/10C.”

5. This Court is of the view that the prayer of the petitioner is general or in blanket terms, which ought not to be considered by this Court. If the petitioner has any right and title and if he is advised, he has to work out his remedy in a properly instituted suit or proceeding, seeking appropriate reliefs. From the material available on record, no relief can be granted to the petitioner. The writ prayer fails, rejected and the writ petition is dismissed.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed. No order as to costs.



JUSTICE S.V. BHATT

Date: 19.10.2016
Msr

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19.10.2016
Msr