

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37799 OF 2016

Dated:14.11.2016

Between:

B. Akkayamma, W/o. B. Ananda
Rama Raju, Hindu, Aged 72 years,
R/o.4-525-1A, Chinna Chowk,
4/489 to 4/580, Kadapa Town,
Kadapa District and another

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary to Government,
Municipal Administration Department,
Secretariat Buildings, Velagapudi,
Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

The petitioners claimed to be the owners of the land to an extent of 55 Ankanams in Survey No.862 in Municipal Ward No.27-1, Adityanagar, Nellore District. They allege that the property belongs to them having been purchased in the year 2013 from their previous vendor, who had valid title vested in her, and undertook construction in the said land. The respondent – Municipal Corporation demolished the said construction on the ground that the said property belongs to them. When the Writ Petition was filed, it was the claim of the petitioners that the respondent – Municipal Corporation was interfering with their possession and demolished the temporary structure raised by them.

2. It is the admitted fact that the alleged construction made by the petitioners was already removed.

3. Thus, the only issue for consideration in the Writ Petition is, whether the respondent - Municipal Corporation is entitled to interfere with the property claimed as belonging to the petitioners. In other words, there is a rival claim with regard to the ownership of the property and there is also a dispute with regard to title. Correctness of the rival claims of the parties cannot be gone into in exercise of power of judicial review under Article 226 of the Constitution of India. The aggrieved party has to work out his remedies before appropriate civil Court. Since the alleged illegal construction was already removed, the petitioners can also

seek appropriate relief from the competent Court by establishing title to the property.

4. The Writ Petition is accordingly dismissed leaving it open to the petitioners to work out their remedies before appropriate civil Court, if so advised. However, all issues are left open to the petitioners to be agitated before the competent Court, including the claim against the illegal demolition of the structures made by them. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date:14.11.2016

KH

P. NAVEEN RAO, J

