

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22056 OF 2016

ORDER:

The case of the petitioner is that he filed OS.No.359/2015 for partition of the land admeasuring Ac.1.42 cents in D.No.161/C, situated at Sakamuru Village, Thulluru Mandal, Guntur District against the unofficial respondents who are petitioner's sister and mother and the same is pending and the unofficial respondents appeared and contesting the said suit by filing written statement. While so, since the subject land is under the purview of CRDA, the Government is trying to take over the subject land under the scheme formulated by the Government of A.P and in that process as per the scheme, the Government is paying Rs.50,000/- per acre towards lease amount subject to other benefits. As such, the petitioner got issued a legal notice dated 07.06.2016 to the respondents 2 and 3 not to disburse the lease amount in favour of the unofficial respondents in view of pendency of civil suit since he is claiming share over the subject land. In spite of the same the authorities are trying to release the lease amount and other benefits in favour of the unofficial respondents. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Sri D.Ramesh, learned Standing Counsel for respondents 2 and 3 produced written instructions dated 11.07.2016 stating that the 4th respondent has given irrevocable consent in 9.3 form under APCRDA Act, 2014, showing her willingness to participate in Land Pooling Scheme, vide claim No.410 on 31.01.2015 for giving land admeasuring Ac.1.42 cents in survey No.161-C of Sakhamuru Village and that after due examination of documents and village records, her claim was accepted and she was paid annuity for the year 2015-2016, since No Objections were received from any quarter within the stipulated time of 15 days from 07.03.2015, as the claims of the individuals were published in Form 9.8 under APCRDA Act, 2014 calling for objections within a period of 15 days, 9.14 agreement was entered into with 4th respondent by the CRDA on 03.06.2015 and possession of the land was taken by the CRDA on 03.06.2015. It is also stated that no orders were obtained from the Civil Court in this case for stoppage of annuity in favour of the 4th respondent.

In the present case, since no objections were received from anybody within the stipulated time, annuity was paid to the unofficial respondents by the respondents 2 and 3. Since petitioner already availed the alternative remedy by filing civil suit, I am not inclined to entertain the writ petition.

Accordingly, the writ petition is dismissed. However, it is open for the petitioner to agitate his rights in the suit filed by him. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

12.07.2016
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A.RAJASHEKER REDDY, J