

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 34912 of 2012

Order:

Heard learned counsel for the petitioner, learned Government Pleader for the first respondent and learned Standing Counsel for the second respondent.

This Writ Petition was filed challenging the action of the first respondent in refusing to issue market value certificate in respect of the land situated in Survey No.120 of Pernamitta village, Santhanuthalapadu Mandal, Prakasam district.

The petitioner stated that he purchased an extent of Ac.0.11 2/3 cents land in the said survey number under a registered sale deed dated 15.02.1985 from one V. Venkateswarlu and S. Venkateswar Reddy. When he wanted to sell the land and applied for issuance of market value certificate, a certificate was issued on 07.03.2007 stating that the land is notified as Government land. Then, on enquiry, the petitioner came to know that O.S.No.10 of 1997 was filed by the A.P. State Wakf Board for recovery of the property situated in Survey Nos.120 and 233 and the said suit was dismissed by judgment and decree dated 24.11.2000. Though the second respondent has no claim against the said land, the first respondent refused to issue the market value certificate and challenging his action, the present Writ Petition was filed.

The second respondent who was impleaded later on filed a counter stating that against the judgment and decree in O.S.No.10 of 1997 dated 24.11.2000 passed by the learned Additional District Judge, Ongole, A.S. No.1919 of 2001 was filed before this Court and the same is pending. The counter affidavit further states that the land situated in Survey

No.120 was notified as Wakf property in the A.P. Gazette No.26 dated 28.06.1962 and one Ashoorkhana known as Masoom Shah Peerla Chowdi is situated.

In view of the disputed questions of fact, this Writ Petition cannot be entertained and is, accordingly, dismissed. However, it is open to the petitioner to avail such remedies which are open to him under law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 29.06.2017
Nsr

A. RAMALINGESWARA RAO, J

