

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Pronounced on : 15-6-2017

Coram :

The Honourable Mr. Justice V.RAMASUBRAMANIAN
and
The Honourable Mr. Justice N.BALAYOGI

Writ Petition No.19478 of 2017

B.Karunakar Reddy, S/o.B.Siva Shankar Reddy,
Aged about 49 years, R/o.D.No.87-560-1,
Srinagar Colony, Near Nandyal Check Post,
Kurnool-518 002

... Petitioner

Vs.

1. The Lokayukta for the State of Telangana,
and Andhra Pradesh, Basheerbagh,
Hyderabad, Rep. by its Registrar
2. G.P. Parthasarathy, the then Inam Dy. Tahsildar,
Presently working as Deputy Tahsildar,
E-Section, Collectorate, Chittoor District, Chittoor
3. Seshagiri, Inam Dy. Tahsildar,
Presently working as Tahsildar, Yerpedu Mandal,
Yerpedu village, Chittoor District

... Respondents

For Petitioner : Mr. Chilamkuri Hanumantha
Rayudu

For Respondents 1to3 : ---

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE N.BALAYOGI

Writ Petition No.19478 of 2017

Order: (per V.Ramasubramanian, J.)

The petitioner whose complaint under Section 2 of the A.Pradesh Lokayukta Act, 1983 was dismissed on the ground that civil litigation is pending with regard to the subject matter, has come up with the above writ petition challenging the order of the Upa-Lokayukta refusing to entertain the complaint.

2. Heard Mr. Chilamkuri Hanumantha Rayudu, learned counsel appearing for the petitioner.

3. The petitioner herein purchased a property in Survey No.437, old paimashi No.464, measuring an extent of Ac.5.41 cents, in Tiruchanoor village, Tirupati Rural Mandal under a sale deed dated 11-02-2011. Thereafter, the petitioner seems to have lodged a protest on the file of the respondents 2 and 3 not to issue ryotwari pattas in favour of two persons. Overruling or overlooking the objections of the petitioner, the respondents 2 and 3 issued ryotwari pattas in favour of third parties forcing the petitioner to lodge a complaint before the Lokayukta against the respondents 2 and 3.

4. Finding that there was a civil dispute with regard to the same property between the vendor of the petitioner and the person from whom the third parties claim a right, the Upa-Lokayukta refused to entertain the complaint. Aggrieved by the said order, the petitioner is before us.

5. Admittedly, a suit in O.S.No.420 of 1997 was filed by two persons by name G.Ramasubbamma and G.Jayaramaiah against 3 individuals for a declaration of their right over Plaintiff-A, B and C schedule properties and for a consequential injunction. The 1st defendant in the suit was one N.Jayakanthamma.

6. The petitioner purchased the property from the 1st defendant in the suit. The ryotwari patta was granted by the respondents 2 and 3 in favour of the persons claiming under the plaintiffs in the suit.

7. It is no doubt true that the civil suit was dismissed by a judgment dated 06-7-2004, but an appeal is now pending.

8. It must be pointed out that the predecessor-in-title of the petitioner had a dispute in relation to the property, at least 14 years prior to the date of the sale in favour of the petitioner. Hence, the complaint given by the petitioner to the Lokayukta was rightly refused to be entertained. Lokayukta cannot be used as a short-circuit to put an end to civil litigation. Therefore, there are no merits in the writ petition. Hence, it is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

N.BALAYOGI, J.

15th June, 2017.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE N.BALAYOGI

Writ Petition No.19478 of 2017
(per VRS, J.)



15th June, 2017.
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