

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.153 OF 2017

Dated:04.01.2017

Between:

Smt. Pinisetty Ramanamma, W/o. Ramu,
Hindu, aged 42 years, Housewife,
R/o. Gairampeta, L.Kota Mandal,
Vizianagaram and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, (Revenue/Municipal),
A.P. Secretariat, Velagapudi, Guntur
District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.153 OF 2017****ORDER:**

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. The petitioners claim to be the owners of the land to an extent of Ac.0.36 cents in Survey No.8/1 part and Ac.0.76 cents in Survey No.9/1 part Mamidikonda Village, Anandapuram Mandal, Visakhapatnam District. They allege that O.S.No.214 of 2016 on the file of IV Additional District Court, Visakhapatnam, is pending with regard to the said lands. They further allege that the Visakhapatnam Urban Development Authority, the 2nd respondent, issued proceedings, dated 24.09.2016, approving layout submitted by respondents 3 and 4. Their grievance is that though they notified vide paper publication their objections against forming layout and also intimated to respondent authority, without considering the same, the 2nd respondent granted layout permission in favour of respondents 3 and 4.

3. Learned counsel for the petitioners submits that when the litigation is pending on the subject property, layout permission could not have been granted in favour of respondents 3 and 4. He further submits that if the layout is formed as per the permission granted, it would invite third party interest and in the event of the petitioners succeeding in the suit, it would create difficulties to claim possession over the property.

4. The only issue for consideration is as to whether the layout permission was validly granted by the 2nd respondent.

5. It is not in dispute that no injunction order is subsisting on the subject property and by virtue of valid sale deed, the property was transferred to the present owners or their predecessors. What is assailed in the civil suit is the so-called sale and if only the petitioners succeed before the competent civil Court, they can lay claim over the property. Be that as it may, it cannot be said that layout permission was granted by the 2nd respondent illegally warranting interference of this Court. Whenever a person prays for layout permission, what is required to be satisfied by the authority is whether *prima facie* title exists in favour of the applicant. Therefore, it may be open to the authority to consider the objections, if any, filed against such permission, but, there is no bar for the authority to grant permission, if the authority satisfies on the *prima facie* title. It is not open to the authority to dwell into the ownership and title claim by third parties merely on the ground that civil litigation is pending.

6. Hence, I do not see any illegality in the order passed by the respondent authority, which is under challenge. The Writ Petition is liable to be dismissed and accordingly the same is dismissed in lumini. However, it is open to the petitioners to avail the remedies as available in law and also make such application, as permissible, in the pending suit. There shall be no order as to costs.

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

P. NAVEEN RAO, J

Date:04.01.2017

KH