

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37070 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, to direct the respondents not to take the petitioner's land to an extent of Ac.193.22 square yards in Survey No.87-1, situated at Tankala Duggivalasa Village of G.Sigadam Mandal, Srikakulam District, without initiating legal proceedings.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Panchayat Raj appearing for respondent Nos.1 to 3, 5, and of Sri Ravi Cheemalapati, learned Standing Counsel appearing for respondent No.4- Gram Panchayat.

3. Learned counsel for the petitioner submits that originally the subject property belongs to father-in-law of the petitioner and he transferred the property to his adopted son by name Ramakrishna, who is husband of the petitioner, through a Registered Settlement Deed, dated 20.08.1998 and the said Ramakrishna, in turn transferred the said property in favour of the petitioner by executing Gift Settlement Deed. The 4th respondent, without having any right over the property, has passed a resolution to take possession of petitioner's land for construction of Anganwadi building.

4. Learned Standing Counsel appearing for the 4th respondent- Gram Panchayat placed material papers and submits that the subject land classified as Village site and the petitioner has no right over the said property. He further submits that the husband of the petitioner has already filed an application in L.S.A.No.99 of 2017 on the file of Mandal Legal Services Committee, and the same is pending. He

further submits that the petitioner is relied on unregistered document and hence, prays to dismiss the petition.

5. Learned Assistant Government Pleader appearing for Panchayat Raj also disputes about the claim of the petitioner stating that the subject land belongs to village site. He filed photographs showing that the building raised upto to the roof level.

6. The contentions raised by the parties are disputed questions of fact, which cannot be decided in this writ petition. The petitioner without disclosing about pendency of L.S.A., filed by the husband of the petitioner, filed the present writ petition. Since the petitioner's husband has already filed L.S.A.No.99 of 2017 on the file of Mandal Legal Services Committee, Rajamm, in respect of same cause of action and the same is pending, I do not see any merit in the writ petition.

7. Accordingly, the Writ Petition is dismissed. However, it is open for the petitioner to pursue L.S.A.No.99 of 2017 pending before Mandal Legal Services Committee, Rajam. Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

NOVEMBER 20, 2017

Note:

Issue C.C. in two (02) days.

(B/o)

YVL

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



WRIT PETITION No.37070 OF 2017

Date: 20.11.2017

YVL