

The Hon'ble Dr. Justice B.Siva Sankara Rao

Writ Petition No.3910 of 2018

Dated 07.02.2018

Order:

Heard learned Counsel for the petitioner, Sri D.Ramesh, learned Standing Counsel for respondent No.2- CRDA, and the learned Government Pleader for Municipal Administration and Urban Development appearing for respondent Nos.1 and 3, before ordering notice to the unofficial respondent No.4 and perused the prayer in the Writ Petition with supporting affidavit and other material available on record.

The prayer in the Writ Petition reads as under:

“to issue a Writ of Mandamus or any other appropriate Writ, Order or direction, declaring the action of the Respondents in not considering the request of the petitioner not to pay the amount to the 4th Respondent since the partition suit in O.S.No.396/2016 is pending on the file of the Senior Civil Judge at Mangalagiri under the scheme of Land Pooling without following the due process and without informing the petitioner is illegal, arbitrary, unjust and violation of the principles of natural justice and contrary to the regulations prescribed by the Government and consequently direct the Respondents No.1 to 3 not to pay the maktha amount and allot house plots as assured by the Government to the 4th respondent under the Land Pooling Scheme till the disposal of the O.S.No.396/2016 on the file of the Senior Civil Judge, Mangalagiri.”

Undisputably, the partition suit in OS.No.396 of 2016 is pending on the file of the Senior Civil Judge, Mangalagiri, between the writ petitioner and respondent No.4 and it is stated that respondent No.2- CRDA is also one of the co-defendants. If such is the case, instead of filing this Writ Petition seeking a direction to respondent No.2 not to pay the maktha amount to respondent No.4, the remedy available to the petitioner is to file an Interlocutory Application in the civil suit for deposit of that amount in the Court below and the Court below shall consider and dispose of the said Application on its own merits after hearing both sides.

Subject to the above observations, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Dr.B.Siva Sankara Rao, J)

Dt: 7th February, 2018
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