

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23906 OF 2006

ORDER:

Heard Mr.T.Rajasekhar, learned counsel appearing for the petitioners and learned Assistant Government Pleader for Assignment (A.P.) appearing for respondents 1 to 3 and Mr.Sansank Bhuvanagiri, learned counsel representing for Mr.K.S. Murthy, learned counsel appearing for respondents 4 to 40.

The petitioners pray for Mandamus declaring G.O.Ms.No.1610 Revenue (UC.I) Department dated 03.11.2006 issued by the first respondent as illegal, arbitrary and unconstitutional and contrary to the Urban Land (Ceiling & Regulation) Act, 1976.

The subject matter of the writ petition is RS No.144/6A of Vidyadharapuram, Vijayawada, Krishna District. The petitioners are alleged to have acquired right and interest in possession through the registered sale deeds executed by one M.Koteswari. Briefly stated the background fact, the petitioners challenged G.O.Ms. No.1610 of 2011 dated 03.11.2006 regularising in terms of the G.O.Ms.No.455 Revenue (UC.I) Department dated 29.07.2002 as illegal etc.,

Mr.Sasank Bhuvanagiri appearing for respondents 4 to 40 firstly reads the affidavit accompanying the impleadment petition and secondly relies on the orders of this Court in W.P. No.5385 of 2007 and W.P.No.848 of 2007 dealing with RS.No.144/6A and 6B of Vidyadharapuram Village and contends that the petitioners have to work out their remedy in the civil court.

I am persuaded with the view taken by this Court in W.P. No.848 of 2007 which is more or less the subject matter and by following the view, particularly in writ petition No.848 of 2007, the writ petition is dismissed.

The liberty to work out the claim of the petitioners before the civil court is left open. All the contentions in this behalf of all the parties remain at large.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

Dt:26.02.2018
BV

S. V. BHATT, J

