

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.25655 OF 2006

ORDER:

Heard Mr.Kuriti Bhaskara Rao for petitioners, Assistant Government Pleaders for Assignment and Revenue and Mr.C.V.R.Rudra Prasad for 3rd respondent.

The petitioners pray for the following relief :-

“..... to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent 1 and 2 in issuing G O Ms No 68, Revenue (UC-1) Department dt 21-1-2006 is arbitrary, bad and illegal and violation of the Act Urban Land Ceiling and Regulations) Act 1976 in favour of 3rd respondent since the 3rd respondent is an encroacher in respect of land in Sy No 33/ 10B to an extent of 301.57 square meters of Akkireddipalem of Gajuwaka Municipal Area consequentially set aside the same....”.

The subject matter of writ petition is an extent of Ac.0-08 cents in Sy.No.33/10 of Akkireddipalem Village, Visakhapatnam. The petitioners are alleged to have acquired right and interest in possession through registered sale deed executed by one M.Nookalamma. Briefly stated the background fact, the petitioners challenged G.O.Ms.No.68, Revenue (UC-1) Department, dated 21.01.2006.

The counsel appearing for 3rd respondent 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 in writ petition No.848 of 2007, the writ petition is dismissed. No costs.

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
Prv



S. V. BHATT, J