

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.13339 of 2015

ORDER:

This writ petition is filed to declare the endorsement in B.A.No.10026/2015/ACP-IV/G1 dt.27.01.2015 issued by the 1st respondent as illegal and arbitrary

The case of the petitioner is that she is the owner and possessor of ACC roofed shed bearing door No.44-7-1/249/24, Assessment No.60500/369 in an extent of 115 sq.yards in Sy.No.8/4 of Chittibabu colony, Thatichetlapalem, Dondaparti, Visakhapatnam, having acquired the same through a registered settlement deed dt.8.4.2010 executed by her husband; the petitioner submitted an application to the respondent Corporation for transfer of title and the respondent Corporation vide proceedings in T.P.No.258/2010/A3/Zone-IV(Rav.) dated 22.05.2010 recorded the transfer of title in the name of the petitioner in the assessment book; as the ACC roofed shed was collapsed due to cyclone, the petitioner made an application to the respondent Corporation along with plan on 3.1.2015 for grant of permission; the said application was rejected vide endorsement dated 27.1.2015 stating that the petitioner has not submitted the registered link document.

Counter affidavit has been filed by the 1st respondent stating that the petitioner has submitted application for grant of building permission along with Gift Settlement Deed dated 8.4.2010, executed by her husband; the application submitted by the petitioner contained Sy.No.14/2, whereas the document submitted by the petitioner is in respect of Sy.No.8/4B of Dondaparthi village; on verification of the proposed site along with

document, the proposed site falls in Sy.No.8/4B of Dondaparthi village and the same has been acquired by the railway authorities for construction of railway quarters under Award No.3/67 dt.16.2.1967; as per the said award, the land in Sy.Nos.6 and 8 has been acquired by the railway authorities and part of the land in Sy.No.8 was acquired by the National Highway Authorities; as far as Sy.No.14 is concerned, it was rasthaporamboke as per the revenue records and it was shown as 80 feet road in the master plan; the petitioner does not have any title over the proposed site, as per her own averment in para 7 of her affidavit, her husband along with other people have occupied small extents of land in Sy.No.8/4 of Tatichetlapalem, Dondaparthi village in the year 1986 and 1987 and raised roofed shed and as such the petitioner is not entitled for building permission and accordingly her application was returned.

Heard learned counsel for the petitioner and learned Standing Counsel for Greater Visakhapatnam Municipal Corporation.

As seen from the documents, the petitioner filed an application for building permission with regard to Sy.No.14/2 but the said survey number was shown as rasthaporamboke as per the revenue records and subsequently, it was shown as 80 feet road in the master plan. Along with the building permission application, the petitioner has submitted a gift settlement deed dated 8.4.2010 and when the said site was verified with the documents and the application, the proposed site falls in Sy.No.8/4B which was acquired by the railway authorities for construction of railway quarters under Award No.3/67 dated 16.2.1967. No reply affidavit has been filed disputing the contents of the counter affidavit. As the survey

number shown in the application and in the document submitted are not tallying, the application of the petitioner was returned stating that the petitioner has not submitted registered link document. Hence, there is no illegality committed by the Commissioner in issuing the endorsement dated 27.1.2015.

Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to avail the alternative remedies which are available to her under law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 04/12/2018

lkv

