

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34947 OF 2018

DATED :22.10.2018

Between :

Varanasi Ranga Rao S/o.Varanasi Krishna Murthy,
Aged about 60 yrs, R/o.Srikakulam Town and Mandal,
Srikakulam District.

Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Panchayat Raj & Rural Development Department,
Secretariat, Velagapudi, Amaravathi,
Guntur District & others.

Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, Learned Government pleader for Panchayat Raj and Rural Development and learned Standing counsel for Visakhapatnam Urban Development Authority.

2. Petitioner claims that he and his two brothers by name Varanasi Gopal Rao and Madhava Rao, jointly purchased land to an extent of Ac.3-12 cents out of total extent of Ac.11-15 cents and Ac.0-81 cents out of Ac.1-11 cents in Sy.No.156 and 162/6 of Duppalavalasa Village, Etcherla Mandal, Srikakulam District, in the year 1993 which was subsequently amended by Document No.4/96.

3. According to petitioner, the legal heirs of their vendor sold their land to Hanumantha Krishna Rao, to an extent of Ac.3-20 cents in Sy.No.156 and Ac.0-80 cents in Sy.No.162/6 in the year 2008. It is alleged that based on such sale deeds pattedar pass books are issued to Hanumantha Krishna Rao, and lay out was sanctioned. Petitioner alleges that on the land belonging to them, the lay out permission could not have been obtained by the third party. Alleging inaction on the representation made by the petitioner for cancellation of the lay out permission, this writ petition is filed.

4. A bare reading of the facts as averred in the affidavit filed in support of the writ petition, it is apparent that there is dispute on the extent of land sold to the petitioner by his vendor

and another extent of land sold to another person by their vendor. That being so, petitioner has to avail civil law remedy to assert his right to ownership on the extent of lands mentioned in the affidavit.

5. Since apparently, there is some dispute on ownership and title, the authorities cannot look into the issue and merely based on a representation, they cannot take steps to cancel the lay out permission without the issue being resolved by the competent Court. Furthermore, in the present writ petition, petitioner has not impleaded the person on whose name the lay out permission was granted.

6. For the aforesaid reasons, the Writ Petition is dismissed leaving it open to the petitioner to work out his remedies as available in law. Pending miscellaneous petitions shall stand closed.

22nd October, 2018
Rds

P.NAVEEN RAO,J

