

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI

AND

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT APPEAL No.75 OF 2021

JUDGMENT: (Per the Hon'ble the Chief Justice Hima Kohli)

1. This is the third round of litigation initiated by the appellant/writ petitioner. Prior to filing W.P.No.23472 of 2015, the appellant had filed W.P.No.11264 of 2014 praying *inter alia* for setting aside the order dated 15.03.2014, passed by the learned Upa-Lokayukta of Andhra Pradesh, Hyderabad.

2. The appellant had approached the Upa-Lokayukta praying *inter alia* that a direction be issued to the Tahsildar, Quthbullapur Mandal to demarcate a plot admeasuring 1028 square yards falling in survey Nos.149/A (part), 152/A (part), 153/A (part) Domara Pochampally Village, Quthbullapur Mandal, in terms of four sale deeds by cancelling the pattas issued to weaker sections and the Police Station, Dundigal. After considering the complaint of the petitioner, the Upa-Lokayukta rejected the same on merits. Aggrieved by the said rejection order, the appellant had filed the captioned writ petition, which was listed before a Division Bench and was disposed of *vide* order dated 15.04.2014 observing *inter alia* that the grievance of the appellant was purely a civil dispute and that the learned Upa-Lokayukta ought not to have gone into the merits of the matter. As a result, the findings returned by the learned Upa-Lokayukta on merits were held not to be

binding, if the appellant/writ petitioner would approach the appropriate forum for ventilating a grievance.

3. In spite of the observations made by the Division Bench that the grievance raised by the appellant was purely a civil dispute, in the very next year *i.e.*, in 2015, the appellant/writ petitioner filed W.P.No.23472 of 2015 praying *inter alia* for directing the respondents to award him compensation and/or alternative land in view of acquisition of his land for allotment to weaker sections and Police Station. The said writ petition has been dismissed by the impugned order dated 13.12.2020, observing *inter alia* that there are serious disputes with regard to the title and possession of the subject land, which cannot be determined in a proceeding under Article 226 of the Constitution of India, as a regular and full-fledged trial is required in the matter. As a result, the writ petition was disposed of with liberty granted to the appellant/writ petitioner to file a civil suit before the competent civil Court for seeking redressal of his grievance.

4. Despite two Courts returning concurrent findings that there are disputed questions of facts involved that cannot be adjudicated in writ proceedings, the appellant/writ petitioner has filed the present misconceived appeal again raising disputed questions of facts calling upon this Court to examine and arrive at a conclusion as to whether he is entitled to any compensation for the land in question from the respondents. We are of the opinion that there is no error in the observation made by the learned Single Judge. Apparently, there are disputed questions of facts raised by the appellant/writ petitioner in

the petition, which have been contested by the respondents. The entire issue needs to be adjudicated after a full-fledged trial.

5. It is therefore held that the impugned order does not warrant any interference. The present appeal is dismissed *in limine* as meritless along with the pending applications, if any.

HIMA KOHLI, CJ

B. VIJAYSEN REDDY, J

05.03.2021
Lur/pln

