

**IN THE HIGH COURT OF ANDHRA PRADESH [3446]
AT AMARAVATI**



WRIT APPEAL NO: 1025 of 2025

Jampana Ravi Kishore and Others ...Appellant(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Appellant: Sri K.S. Murthy, learned Senior
Counsel for Sri V. Vinod K Reddy

Advocate(s) for Respondent(s): GP FOR MUNICIPAL ADMN
URBAN DEV, M/S INDUS LAW
FIRM, A S C BOSE (SC FOR
MUNICIPAL CORPORATIONS
AP), KVSD RAVI TEJA

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R RAGHUNANDAN RAO**

DATE : 23.04.2026

P C :

Heard Sri K.S. Murthy, learned Senior Counsel appearing for Sri. V. Vinod K. Reddy, learned counsel for the appellants, Sri A.S.C Bose, learned Standing Counsel for Municipal Corporations and Sri. P. Raja Sekhar, learned counsel appearing for Mr. K.V.S.D. Ravi Teja, learned counsel for the respondents.

2. Before adverting to the issue before this Court, it is necessary to set out the factual background in this case.

One Sri Nalam Ramalingeswara Rao had purchased land from Sreeram Ramachandrudu in Town Survey No.1031 of Visakhapatnam under a deed of sale, dated 13.02.1970, registered as Document No.499/1970 in the office of the Joint Sub-Registrar, Visakhapatnam. All the parties, to the present litigation accept and admit this transaction. The flow of title, henceforth splits into two branches. The appellants herein claim that the first branch of alienations/transfers are correct and confer title on them. Respondents 5 and 6 contend that the second branch of alienations/transfers are correct and confer title on respondent No.5.

3. According to the appellants, Sri Nalam Ramalingeswara Rao had executed a power of attorney in favour of Sri V. Manikeswara Rao. It was registered on 28.02.1970 as document No.27/1970. Sri V.

Manikeswara Rao had thereupon executed an unregistered deed of sale dated 05.06.1970 in favour of Sri K.S.N. Raju, to an extent of 1840 sq.yards in Town Survey No.1031. In turn, Sri K.S.N. Raju is said to have executed a deed of sale in favour of the appellants herein, by way of a deed of sale, dated 31.07.2015, which was kept as pending document No.383/2015. The actual extent of land available, by the time of the deed of sale, dated 31.07.2015, was only 1743 sq.yards, and only land to an extent of 1743 Sq. yards was transferred under the deed of sale, dated 31.07.2015.

4. As the deed of sale, dated 31.07.2015, was not registered and only pending number was given, by the Sub-Registrar, the appellants filed an appeal before the District Registrar and Appellate Authority, by way of an Appeal No.3 of 2023 which came to be allowed, on 29.03.2023. On this basis, the deed of sale, dated 31.07.2015, was released by the registering authority, on 27.04.2023.

5. The appellants claim right and title over the land on the basis of this deed of sale. In addition to this, the appellants seek to demonstrate possession over the land, on the ground that Sri K.S.N. Raju, the vendor of the appellants, had filed W.P.No.35146 of 2012 seeking to restrain the respondents including the 5th respondent from interfering with his possession over the land. As the authorities had filed a

counter affidavit that they were not interfering with the possession of Sri K.S.N. Raju, the said writ petition came to be disposed of, on 11.06.2014, by recording the assurance of the authorities. The appellants would also state that they had filed W.P.No.32405 of 2022 questioning the action of removal of an electricity meter and the same came to be allowed, by an order, dated 18.02.2022, directing the authorities to restore the electricity connection, to demonstrate possession of the said land.

6. The claim of the 5th respondent is that Sri K. Veerendranath, as the power of attorney holder of Sri Nalam Ramalingeswara Rao, had executed an agreement of sale, dated 14.08.1974, in relation to the same 1840 sq. yards of land, in favour of the 5th respondent, after receiving the sale consideration of Rs.30,000/-. The 5th respondent also claims that the possession of land was handed over to the 5th respondent on 14.08.1974 by Sri Nalam Ramalingeswara Rao. Thereafter, Sri Nalam Ramalingeswara Rao while filing his declaration, under Section 6(1) of Urban land (Ceiling and Regulation) Act, 1976 had sought to exclude the land sold to the 5th respondent, which was accepted by the Urban Land Ceiling Authority. This acceptance of exclusion was subsequently rejected and corrected by the Commissioner.

7. In a parallel proceeding, Sri Nalam Ramalingeswara Rao filed O.S.No.33 of 1983 before the II Additional Subordinate Judge,

Visakhapatnam for eviction and delivery of possession of land which was said to be in the possession of the 5th respondent. As a counterblast, the 5th respondent also filed O.S.No.167 of 1987 for a permanent injunction against Sri Nalam Ramalingeswara Rao and Smt. N. Mahalkshamma on the ground that he had purchased the property from the General Power of Attorney holder of late Sri Ramalingeswara Rao namely Sri K. Veerendranath. It appears that Sri Nalam Ramalingeswara Rao had transferred this property to Smt. N. Mahalakshamma. Later this property was reconveyed to Sri N. Ramalingeswara Rao.

8. Both these suits were tried together and disposed of, by way of a common judgment, dated 19.12.1990. In the said Judgment, the II Additional Subordinate Judge, Visakhapatnam after taking into account the additional fact of the land being transferred by Sri Ramalingeswara Rao to Smt. Mahalakshamma under a registered deed of settlement and a subsequent re-conveyance of the land to Sri Ramalingeswara Rao, had held that the agreement of sale executed between the 5th respondent and Sri Ramalingeswara Rao, through his power of attorney through Sri K. Veerendranath, was a genuine transaction under which the 5th respondent had been put in possession of the land and remains in possession of the land. The II Additional Subordinate Judge, Visakhapatnam, on this basis, dismissed O.S.No.33 of 1983 and allowed

O.S.No.167 of 1987. No appeals have been filed against this Judgment and the same became final. The learned Subordinate Judge had effectively held that the 5th respondent was in lawful possession of the land and that neither Sri Ramalingeswara Rao nor Smt. Mahalakshamma to whom Sri Ramalingeswara Rao had transferred title, could evict the 5th respondent from the said land.

9. The 5th respondent, basing his title on the Judgment of the II Additional Subordinate Judge, Visakhapatnam approached the Visakhapatnam Municipal Corporation for building permission. This application was returned, on 08.01.1997, with a direction to obtain a No Objection Certificate from the Urban Land Ceiling Authority before his request for building permission could be considered. This rejection was challenged before the erstwhile Common High Court of Andhra Pradesh, by way of W.P.No.25966 of 1998. This Writ Petition came to be dismissed on 04.01.2002 on the ground that the agreement of sale, dated 14.08.1974, relied upon by the 5th respondent would not confer any title and the same was sold contrary to the provisions of the Andhra Pradesh Eviction lands in Urban Areas (Prohibition of Alienation) Act, 1972. The 5th respondent challenged this Judgment, by way of W.A.No.1359 of 2004, and later withdrew the same, with leave to approach the competent City Civil Court. The appeal came to be dismissed as withdrawn, with

leave, on 22.09.2004. Thereafter, the 5th respondent entered into a development agreement, dated 09.08.2012, with the 6th respondent. At that stage, the 5th respondent had passed away and his legal heirs executed a development agreement-cum-General Power of Attorney in favour of the 6th respondent which came to be registered as document No.10870 of 2022, dated 14.10.2022. This registration was challenged by the appellants, by way of W.P.No.18065 of 2023 which is pending adjudication before this Court. While these proceedings were pending, the 6th respondent approached the Municipal Corporation, again for building permission to construct in an extent of 608.88 sq.metres, out of the total extent of 1743 sq. yards. The 2nd respondent Municipal Corporation granted building permission on 17.07.2020. The appellants having come to know of grant of such permission filed W.P.No.13812 of 2023 challenging the said building permission. This Writ petition came to be disposed of on 26.02.2024 directing the 3rd respondent to consider the explanation of the 6th respondent after giving an opportunity to the petitioner and to dispose of the proceedings. The 2nd respondent Municipal Commissioner after hearing the concerned parties, passed an order, dated 29.05.2024, holding that respondents 5 and 6 have proved their title beyond reasonable doubt.

10. Aggrieved by this order, the appellants moved W.P.No.27480 of 2024 as well as C.C.No.1309 of 2025 on the ground that the directions of the Court in W.P.No.13812 of 2023 had not been complied. A learned Single Judge of this Court, by a common order, dated 10.09.2025 had dismissed both W.P.No.27480 of 2024 as well as C.C.No.1309 of 2025. Being aggrieved by this order, the appellants have moved this Court, by way of the present appeal against the Judgment in W.P.No.27480 of 2024.

11. The main contention of the appellants is that the Commissioner, G.V.M.C., had exceeded his jurisdiction and gave a finding on the title of the property and the same is beyond the jurisdiction of the Commissioner. This contention was resisted by the respondent No. 6. It is the case of the respondents that the scope of consideration would be on the question of possession and *prima facie* satisfaction about the title. Once such factum of possession and *prima facie* title is satisfied, the Municipal Corporation or the local body would have to grant permission for construction on the land. For this purpose, the respondents relied upon the judgment of the erstwhile common High Court of Andhra Pradesh in the case of **K. Pavan Raj vs. The Municipal Corporation of Hyderabad and Ors.**,¹ and the Judgment of the Hon'ble High Court of

¹ 2008 (1) APLJ Page 2 (HC)

Telangana in the case of **Dr. M. Satchidananda Rao vs. State of Telangana and Ors.**² The learned Single Judge after recording of the aforesaid facts and submissions had taken the view that the consideration of the Commissioner G.M.C, on the issues raised before him, was done in the proper perspective and there were no grounds for the Court to interfere in the speaking order of the Commissioner. The learned Single Judge also gave a finding that the said order was in accordance with the directions passed in W.P.No.13812 of 2023.

12. Aggrieved by this order and Judgment dated 10.09.2025, the appellants are before this Court.

13. Sri K.S. Murthy, the learned Senior Counsel appearing for the appellants would contend that the Commissioner, had undertaken a fact finding enquiry and decided title, which was beyond the jurisdiction of the Commissioner. The learned senior Counsel would also contend that the findings of the Commissioner, on their own merits were also not correct and require to be set aside.

14. As the dispute, in the present proceedings relates, to the order of the Commissioner, dated 29.05.2024, it would be appropriate to peruse the said order.

² 2021 SCC Online TS 1914

15. The Commissioner after looking at all the documents submitted to him, by both sides had taken the view that the Judgment of the II Additional Subordinate Judge, Visakhapatnam clearly demonstrates that the said land, is in the possession of the 5th respondent and that the same has not been challenged and has become final. Apart from this, the Commissioner also pointed out that the claim of the appellants over the land is through an unregistered sale deed executed by Sri K.S.N. Raju who claims to have purchased the property through another unregistered deed of sale dated 05.06.1970 from Sri N. Ramalingeswara Rao through his power of attorney holder Sri V. Manikeswara Rao, After recording this claim, the Commissioner pointed out that the power of attorney of Sri V. Manikeswara Rao, produced by the appellants was executed by one Sri N. Nageswara Rao S/o Rukmini Devi, and not Sri N. Ramalingeswara Rao. The Commissioner also pointed to the Judgment of the II Additional Subordinate Judge, Visakhapatnam in O.S.No.167 of 1987 and O.S.No.33 of 1983, which had recorded that it was one Sri K. Veerendranath who was the G.P.A holder to Sri N. Ramalingeswara Rao. In such circumstances, the Commissioner had held that the title of the appellants does not appear to be correct.

16. After these prima facie findings, the 2nd respondent-Commissioner after stating that the issue of title cannot be decided either

by this Court or by the Greater Visakhapatnam Municipal Corporation had held that the appellants were unable to establish their title over the property while the 5th respondent appears to have a better claim. In those circumstances, the Commissioner felt it appropriate to permit the 6th respondent to continue with construction in the land. While, the Municipal Corporation is not supposed to go into the question of title and give any categorical findings regarding title, the fact remains that the Municipal Corporation would have to ascertain, whether there is a prima facie claim, over the land, by the person seeking to construct any building on the land. This Court is of the view that the exercise undertaken by the Commissioner, in the impugned order, dated 27.05.2024, was an exercise within those parameters. In such circumstances, we do not find any reason to interfere with the findings of the learned Single Judge.

17. Accordingly, this Writ Appeal is dismissed. There shall be no order as to costs.

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

DHIRAJ SINGH THAKUR, CJ

R RAGHUNANDAN RAO, J

RJS

**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO**

WRIT APPEAL NO.1025 OF 2025

(per Hon'ble Sri Justice R.Raghunandan Rao)

23.04.2026

RJS