

***THE HON'BLE MR JUSTICE L. NARASIMHA REDDY***

**Writ Petition No.9336 of 2009**

**ORDER:**

The petitioners 1 and 2 are sons, and petitioners 3 and 4 are daughters of late Venamala Lakshmana Rao. It is stated that Lakshmana Rao was participated in the Freedom Struggle, and as a reward, the Government assigned an extent of 10 acres of land in Sy.No.331/5 of Madhurawada Village, Visakhapatnam District, vide proceedings dated 26-03-1970. Lakshmana Rao is said to be no more, and that the land has devolved upon the petitioners.

The petitioners state that the 6<sup>th</sup> respondent has brought into existence an agreement of sale, between himself, and one, Mr.Valluri Lakshman Rao, in respect of the very land, assigned to their father, and on the strength of the said agreement of sale, he is selling parts of the land, by obtaining No-objection Certificate from respondents 1 to 3. They contend that, in spite of their protest, respondents 1 to 3 are issuing no objection certificate to the 6<sup>th</sup> respondent, and the land, which was assigned to their father, and devolved upon them, is being sold in bits. They seek a direction to the effect that respondents 1 to 3 be restrained from issuing no objection certificate in favour of the 6<sup>th</sup> respondent, in respect of the land, referred to above.

Heard the learned counsel for the petitioners, and learned counsel for the respondents.

The petitioners placed before this Court, a copy of order of assignment, in Form-D. The name of the assignee is mentioned as V.Lakshman Rao. No other particulars are mentioned. Be that as it may, whether or not the land of 10 acres in Sy.No.331/5 was assigned in favour of the father of the petitioners, or Sri Valluri Lakshman Rao,

as pleaded by the 6<sup>th</sup> respondent, needs to be verified, with reference to the relevant records. The oral and documentary evidence needs to be adduced for this purpose.

The writ petition under Article 226 of the Constitution of India is not at all adequate, or suited for this purpose. If the petitioners are so advised, they can file a suit before a Civil Court, for necessary declaration, duly impleading the 6<sup>th</sup> respondent. The respondents 1 to 3 cannot be expected to undertake adjudication into such issues.

Hence, the writ petition is dismissed, leaving it open to the petitioners to approach the Civil Court. It shall also be open to them to challenge the no objection certificate, granted to individuals, in respect of the land, claimed by them.

There shall be no order as to costs.

---

**L. NARASIMHA REDDY, J.**

**Dt. 30-04-2009.**

*KO*