

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37618 of 2015

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19.11.2015

Between:

Kambeti Narasinga Rao

.. Petitioner

and

The State of Andhra Pradesh,

represented by its Principal Secretary,

Municipal Administration and Urban Development Department,

Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.E.V.V.S.Ravi Kumar

Counsel for respondent No.1: Government Pleader

for Municipal Corporation and Urban Development (AP)

Counsel for respondent No.2: Assistant Government Pleader for Revenue (AP)

Counsel for respondent No.3: --

Counsel for respondent No.4: --

The Court made the following:

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ORDER:

The grievance of the petitioner in this writ petition is that respondent No.4 has been raising construction over 3 feet common path denying the petitioner's easementary right to ingress and egress and light.

After hearing Mr.E.V.V.S.Ravi Kumar, learned counsel for the petitioner, I am of the opinion that the dispute raised by the petitioner is purely civil in nature pertaining to easementary right claimed by him and that therefore, it is not appropriate to allow respondent No.3 to intervene with respect to such dispute. The appropriate remedy for the petitioner is to avail common law remedy by approaching the competent Court of civil jurisdiction.

The Writ Petition is accordingly dismissed, without adjudicating the case on merits, with liberty to the petitioner to avail common law remedy as indicated above.

As a sequel to dismissal of the writ petition, W.P.M.P.No.48395 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

19th November, 2015

GHN