

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40195 of 2015

Date:10.12.2015

Between:

Bokka Ashok Reddy,
S/o Late Linga Reddy and another.

..... Petitioners

And:

The State of A.P., repled., by its
Principal Secretary, Municipal Admn. and
Urban Development Department, Hyderabad
and four others.

.....Respondents

Counsel for the Petitioners: Mr. T.Rathnakar

Counsel for respondent No.1: AGP for Municipal Admn.
(TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the inaction of respondent No.2 in preventing respondent Nos.3 to 5 from carrying on the illegal constructions over the land in Survey No.248 of Turkayamjal Village, Hayathnagar Mandal, Ranga Reddy District, as illegal and arbitrary.

I have heard Mr. T.Rathnakar, learned counsel for

the petitioners and perused the record.

The petitioners averred that they are the absolute owners of Acs.4.00 of land in Survey No.248 of Turkayamjal Village; that one Raj Kour and Ranjith Kour have illegally and in collusion with the officials of the Revenue Department got their names entered in the revenue records in the years 1984-85 to 1992-93 in respect of the above-mentioned land; and that they have filed an appeal before the Revenue Divisional Officer, Ranga Reddy District, East Division who has allowed the same and directed the Mandal Revenue Officer to delete the names of the said two persons. The petitioners further pleaded that respondent Nos.3 to 5 have converted the agricultural land into non-agricultural purposes without obtaining permission from the competent authority and started constructions without any permission. They have further submitted that they have filed O.S.No.807 of 2015 on the file of the learned XV Additional District Judge, Ranga Reddy District at L.B.Nagar for declaration of their title and also for delivery of vacant physical possession of the suit schedule property.

The grievance of the petitioners is that though a detailed representation was made to respondent No.2 to prevent the illegal constructions by respondent Nos.3 to 5 in the above-mentioned land, no action has been taken thereon.

From the pleadings of the petitioners referred to above, it is evident that there is a serious civil dispute between them on one side and respondent Nos.3 to 5 on the other leading to the filing of a civil suit for declaration of title and delivery of vacant possession of the property. If the petitioners feel that respondent Nos.3 to 5 are not entitled to raise the constructions in the above-mentioned land, the appropriate course for them is to seek a

temporary relief in the pending suit for restraining the said respondents from raising the constructions.

In the guise of the allegation that respondent Nos.3 to 5 are raising constructions in the above-mentioned land without any permission and without converting the agricultural land into non-agricultural use, the petitioners cannot be permitted to avail the public law remedy when an effective alternative remedy is available to them which, indeed, was already availed by them.

In this view of the matter, I am not inclined to entertain this Writ Petition.

The Writ Petition is, accordingly, dismissed with liberty to the petitioners to claim appropriate interim relief in the pending suit.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.51892 of 2015 shall stand dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*10th December, 2015
DR*