

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 26496 of 2015

BETWEEN

T.Apparayudu and others

... PETITIONERS

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue
Department and others

...RESPONDENTS

Date of Order pronounced: 21.08.2015

SUBMITTED FOR APPROVAL:

-
-

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

-
-

ORDER:-

Heard.

2. Petitioners, who claim to be owners of survey No.106/11 admeasuring Ac.0-50 cents at Ravikamatham Village in SRD of Chodavaram Visakhapatnam District, also states that her husband sold away land to an extent of Ac.0-08 cents on the West-Northern side of the property and in the remaining Ac.0-42 cents, a house was constructed. Petitioners question the patta granted by the Collector in RC.No.2237/02/E4 dated 14.09.2009 in favour of the eighth respondent relating to Ac.0-3½ cents in survey No.106/11 on the ground that they had no notice and the said allotment is prior to the injunction decrees obtained by petitioner Nos.1 and 2 against the defendants therein in O.S.No.72 of 1999 on the file of principal Junior Civil Judge, Chodavaram dated 08.02.2007. The present impugned order is now questioned on the ground that petitioners had no knowledge of the said order.

3. I am unable to see any reason to entertain the writ petition against the impugned order of 2007 as almost eight years have elapsed from the date of the order. Consequently, the said order relates to allotment of land in survey No.106/11 whereas petitioners claim to be owner of land to an extent of Ac.0-42 cents in survey No.106/10. Since both the said lands are different, I do not see any infringement of legal right of the petitioners.

4. Learned counsel for the petitioners, however, state that taking advantage of the said impugned allotment, respondent Nos.8 to 16 have constructed a compound wall abutting the door of the petitioners and thereby have obstructed their access, which also violates the decree of injunction.

5. Even assuming the said contention as correct, in my view, the claim of the petitioners on that ground is merely of a civil right, which he has to adjudicate before the appropriate court and not by way of a writ petition under Article 226 of the Constitution of India.

Leaving the petitioners with the liberty to take such recourse as

available to them under law to protect their civil rights, writ petition is declined to be entertained and is accordingly dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 21, 2015
LMV