

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

WRIT PETITION NO.17213 OF 2011

DATED:17-6-2015

Between:

Gunreddy Raja Reddy
and others

... Petitioners

And

Government of Andhra Pradesh
Rep. by its Principal Secretary,
Forest Department
A.P.Secretariat, Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. P. Veerraju

COUNSEL FOR RESPONDENT Nos.1 and 3: G.P. for Forests (TS)

COUNSEL FOR RESPONDENT Nos.2 and 4: A.G.P. for Revenue
(TS)

COUNSEL FOR RESPONDENT No.5 : -

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a Mandamus to declare the action of the respondents in proposing to dispossess the petitioners from the plots bearing Nos.401, 393, and 397 admeasuring 449.78 Sq. yards, 416.67 Sq. yards and 416.67 Sq. yards respectively, in the layout plan of the Postal Audit Office Co-operative Housing Society Limited, TA 107, comprised in Sy. Nos.44, 45 and 46 of Medipally Village, Erstwhile Uppal Mandal, as illegal and arbitrary.

While it is the case of the petitioners that their plots referred to above are situated in Sy. Nos.44, 45 and 46, respondent No.3 has pleaded that the plots claimed by the petitioners are situated in Sy. No.47, which is a reserved forest.

Mr. P. Veerraju, learned counsel for the petitioners, submitted that the survey report prepared by the Assistant Director of Survey clearly reveals that the petitioners' plots are not situated in Sy. No.47.

As this dispute falls in the realm of a seriously disputed question of fact, it is not possible for this Court to decide such a dispute in this writ petition. Therefore, without adjudicating the writ petition on merits, the petitioners are relegated to the common law remedy of a civil suit. Inasmuch as the interim order granted by this Court is in force from 22.6.2011, the same shall be continued for a period of three months to enable the petitioners to avail the remedy of civil suit.

The writ petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.20681 of 2011 stands disposed of and W.V.M.P. No.4378 of 2011 shall stand disposed of as infructuous.

C.V. NAGARJUNA

REDDY, J

17-6-2015

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