

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 19324 of 2012

ORDER:

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As there was no representation on behalf of the petitioner on 21.09.2015, the matter was directed to be listed on 30.09.2015. In spite of matter being posted under the caption "for dismissal" there is no representation on behalf of the petitioner either in the morning or in afternoon session. Hence heard the learned counsel appearing for respondent No.6 and learned Government Pleader for Revenue.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.5 in not taking any action on proceeding F.Line No.53/2012 dated 18.05.2012 though directions issued by respondent No.4, as illegal, arbitrary and violation of Articles 14, 21 and 300-A of the Constitution of India; and consequently direct respondent No.5 to conduct survey and fix the boundaries of house site bearing Door No.2/262-6, Maruthinagar, Kadapa and to direct respondent No.6 to demolish the construction made and not to construct any more further.

A counter came to be filed on behalf of respondent Nos.2 to 5 stating that pursuant to the applications made by petitioner and respondent No.6 to conduct survey, the Mandal Surveyor, Kadapa, conducted survey on 05.04.2012 in the presence of the petitioner and respondent No.6. During the survey, the Mandal Surveyor found that there was variation in extent of land and as such informed the petitioner and sixth respondent that it is not possible to fix up boundaries to their house sites in view of the variation with reference to their documents. Hence, the Government Pleader for Revenue submits that the allegation of fifth respondent not conducting survey of the house site held by the petitioner is incorrect and false.

Learned counsel for respondent No.6 would submit that the petitioner filed O.S.No.330 of 2012 on the file of the III Additional Junior Civil Judge, Kadapa, seeking permanent injunction against respondent No.6 in respect of the very same property. Since respondent No.6 filed caveat before the said Court, the petitioner could not get any order in his favour. As he could not get any favourable order before the civil Court, the present writ petition came to be filed.

Since the issue involved in the present case is already ceased by the civil Court in O.S.No.330 of 2012 and as there is a dispute with regard to the extent of land held by the petitioner and respondent No.6, I see no grounds to entertain the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

30.09.2015

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