

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

**FRIDAY, THE TWENTY EIGHTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.27540 of 2015

Between:

Dr. A. Prabhakara Rao,
S/o. A. Mallikharajunudu,
Occ: Retd. Principal, Ideal College of Arts and Science,
R/o. D.No.1-19-18/1, Post Office Road,
Sriram Nagar, Kakinada,
East Godavari District.

.. Petitioner

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration & Urban Development
Department, Secretariat,
Hyderabad & 6 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

According to the petitioner, the joint family ancestral property was not equitably apportioned between the petitioner and his brother, 7th respondent herein, due to manipulations made by the 7th respondent and less extent of land is given to the petitioner than what he is entitled to and is in occupation and enjoyment. The brother of the petitioner is now trying to utilize the said property and undertake construction. Aggrieved by the said illegal action of his brother, notices are given and since the respondent authorities are not acting on the notices, this writ petition is filed.

2. As seen from the averments made in the affidavit filed in support of the writ petition and the notices issued on behalf of the petitioner on 05.07.2015 show that the grievance of the petitioner is against his brother in manipulating the records and giving him less extent of land than what he is entitled to from the property inherited by both of them and there is no grievance of any statutorily performable action by the respondent authorities, which was not discharged by them, warranting issuance of writ by this Court. The grievance of the petitioner is against private individual and is a civil dispute and the petitioner has to work

out remedies as available in civil law. The jurisdiction of writ Court under Article 226 of the Constitution of India is available if in discharge of functions by the statutory authorities, they have failed to act on the grievance of a citizen or acted illegally. The Court can examine the inaction in acting on the representation or illegality in performing their duties and correcting them to the extent permissible. By a reading of the notices issued would only show that petitioner is asking the respondent Municipal Corporation to take action against the 7th respondent for taking possession of larger extent of land than what the 7th respondent was entitled to in the ancestral property, which is not within the purview of Municipal Corporation. Thus, the writ petition in the present form is not maintainable.

3. The Writ Petition, accordingly, dismissed. However, the dismissal of this writ petition does not take away the right of the petitioner otherwise available in law in agitating his grievance and availing the remedies. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 28th August, 2015

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