

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

WRIT PETITION No.30766 of 2011

-

10.06.2015

Between:

Smt.B.Subhashini

...Petitioner

And

The Government of Andhra Pradesh,

Represented by its Principal Secretary, Forest Department,
Hyderabad and others

...Respondents

Counsel for the petitioner: Mr.C.Kumar

Counsel for the respondents: Government Pleader
for Forests (AP)

-

The Court made the following:

-

-

-

-

-

ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent Nos.1 to 3 in proposing to interfere with the possession of the petitioner of plot bearing No.398 comprised in survey Nos.44,45 and 46 of Medipally Village, Ghatkesar Mandal, Ranga Reddy District and seeking to raise construction in survey No.46 thereof, as illegal and arbitrary.

Respondent No.3 has filed a detailed counter-affidavit, wherein it has, *inter alia*, denied the plea of the petitioner that they have been trying to interfere with her plot in survey No.46. It is specifically pleaded that the land in survey No.47 forms part of Medipally reserve forest and that the building is being constructed over

survey No.47 and not in survey No.46, as claimed by the petitioner.

While there is no conflict of interests between the petitioner and the forest department with respect to the land in survey No.46, the only dispute that needs to be resolved is whether the construction being made by respondent No.3 is over the land in survey No.47 or in survey No.46. As there is serious dispute with respect to this aspect, it is not possible for this Court to decide such a dispute in exercise of its writ jurisdiction under Article 226 of the Constitution of India. The appropriate remedy for the petitioner is to approach the competent civil Court for redressal of her grievance. Therefore, without expressing any opinion on the merits of the case, the Writ Petition is dismissed with liberty to the petitioner to avail the common law remedy of civil suit.

As a sequel to dismissal of the writ petition, W.P.M.P.No.38159 of 2011 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

10th June, 2015

GHN