

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

WRIT PETITION No. 28714 OF 2011

Between:

S. Laxmi

.. Petitioner

and

The Mandal Revenue Officer, Amberpet Mandal,
Hyderabad and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No

see the fair copy of the Judgment?

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 28714 of 2011

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ORDER:

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Heard learned counsel for the petitioner, learned Government Pleader for Revenue appearing for the 1st respondent and learned Government Pleader for Home appearing for the 2nd respondent. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The facts in issue are as under:

The petitioner herein claims to be the absolute owner and possessor of property bearing Municipal Door No.2-2-1107/58/A, admeasuring 37 square yards, situated at Tilaknagar, New Nallakunta, Hyderabad, having purchased the same from one Mrs. M. Vijaya Lakshmi, by virtue of a sale deed dated 31.12.2008. It is stated that one Bandi Bangamma was the absolute owner and possessor of site admeasuring 67 square yards, out of which, the vendor of the petitioner purchased 37 square

yards and the remaining 30 square yards was left over by said Bangamma as a common passage for ingress and egress to the said land. While things stood thus, on 13.10.2011 the 3rd respondent is alleged to have tried to make construction by digging pits and a borewell in the common passage. When the petitioner questioned the same, the 3rd respondent is said to have claimed right over the said property. On 15.10.2011, the petitioner is said to have lodged a complaint before the 1st respondent against the 3rd respondent, but no action was taken by him. Thereafter, the 2nd respondent is said to have threatened the petitioner not to object the 3rd respondent in making the construction in the common passage. Questioning the inaction on the part of the 1st respondent on the complaint lodged by the petitioner and also the high handed acts of the respondents 2 and 3, the petitioner filed the present writ petition.

At the time when the matter is taken up for hearing, the learned Government Pleader for Revenue produced before the Court a photo copy of Memo No.B/1260/2011 dated 31.10.2011 issued by the Tahsildar, Amberpet Mandal stating that there is a dispute between the petitioner and one Kavita in respect of the property in question and the same is purely civil nature.

A perusal of the Memo dated 31.10.2011 issued by the Tahsildar, Amberpet Mandal, would reveal that pursuant to the complaint dated 15.10.2011 lodged by the petitioner, a local enquiry was conducted wherein it was found that there is a dispute between the petitioner and one Kavita and as the said dispute is purely civil in nature, the petitioner was advised to approach the competent civil Court for redressal of her grievance.

Having regard to the circumstances stated above and as there is a dispute between two individuals with regard to rights over a property, this Court cannot decide the dispute in a writ petition filed under Article 226 of the Constitution of India. The appropriate forum to decide the dispute between the two private individuals would be the civil Court. In view of the same, I see no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12th August, 2015

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HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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cbs