

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

WRIT PETITION NO.7261 OF 2015

DATED:02-12-2015

Between:

Ch. Siva Ram Prasad

... Petitioner

And

The State of A.P.,
Rep. by its Principal Secretary
Revenue Department
Secretariat Buildings
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. T. Ramakoteswara Rao

COUNSEL FOR THE RESPONDENTS:

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the inaction of respondent No.4 on the petitioner's representation dt.26.2.2015 made complaining of illegal encroachment by respondent No.5.

The petitioner and respondent No.5 are neighbours. The dispute pertains to an alleged lane, which, according to the petitioner, is a public lane, while the Secretary of respondent No.4 in his counter affidavit has taken a stand that though there is a lane in existence, the same is not entered in the Gram Panchayat record. The question whether the so called lane is a public lane or a private lane can be decided only by a Civil Court of competent jurisdiction. Therefore, the petitioner is relegated to the common law remedy of a civil suit.

Subject to the liberty given to the petitioner as above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.9664 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

02-12-2015

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