

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

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Writ Appeal No.92 of 2016

Date:11.2.2016

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Between:

Ch. Siva Ram Prasad,
Parchur Mandal,
Prakasam District.

.....Appellant

And

State of Andhra Pradesh
Represented by its Principal Secretary to Government,
Revenue Department,
Hyderabad and others.

... Respondents

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PC:(Per Hon'ble Sri Justice S.V. Bhatt)

The writ petitioner is the appellant and the appellant challenges the order impugned in the writ petition, which reads thus:

“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.”

Learned counsel for the appellant has drawn our attention to the photographs at page 17 filed along with the writ appeal. After seeing the photographs, we are *prima facie* satisfied that the view taken by the learned Single Judge is correct and the appellant has to move the competent Civil Court, if there exists a right in the path way or disputed

road.

The writ appeal is dismissed with the above observations.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

11th February, 2016

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