

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

WRIT PETITION No.3327 of 2016

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05.02.2016

Between:

K.Rajeswari

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Endowments Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Suresh Kumar Potturi

Counsel for respondent Nos.1 and 3: Assistant Government Pleader
for Endowments (AP)

Counsel for respondent No.2: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2, who attempted to lay fencing over the road relating to the land of the petitioner in survey No.33/1 of Yanamalakudhuru Village, Penamaluru Mandal, Krishna District, as illegal and arbitrary.

The petitioner pleaded that she purchased land admeasuring Ac.0.55 cents in the aforesaid survey number under a registered sale deed, dated 15.09.1986, from one Ravi Mruthunjaya Rao, that later, the said land was purchased by several persons for the purpose of house sites and that there is still some left over land. The petitioner further averred that she is having another piece of land admeasuring Acs.1.02 cents in survey No.35/1 of the same Village, which is located adjacent to the aforesaid Ac.0.55 cents of land, and the road stops at the said land, that the said extent of Acs.1.02 cents of land was also purchased by several persons for the purpose of house sites and a part of the said land was detained by the petitioner, and that similarly, one K.Venkata Reddy is the owner of another extent of Acs.1.02 cents of land in the same survey No.35/1, which is situated adjacent to the petitioner's land. The grievance of the petitioner is that respondent No.2 is trying to occupy the private road portion, without any right, by claiming that the land belongs to the institution and that when questioned, respondent No.2 has taken the stand that the said Ravi Mruthunjaya Rao, the petitioner's vendor, has donated land admeasuring Ac.1.00 cents to the institution. That on 30.01.2016, respondent No.2 has attempted to lay fencing and the petitioner has stopped the said attempt.

I have heard Mr.Suresh Kumar Potturi, learned counsel for the petitioner, and perused the record.

From the averments contained in the affidavit as noted above, it is evident that the dispute raised by the petitioner is purely of civil nature. Respondent No.2 is seeking to exercise its right over an extent of Ac.1.00 cents of land, based on a gift deed allegedly executed by the petitioner's vendor. In my opinion, the dispute raised by the petitioner in this writ petition can be adjudicated only by the competent civil Court, based on the oral and documentary evidence that may be adduced by both parties.

In the above view of the matter, I am not inclined to entertain this Writ Petition for adjudication, on merits, and the same is, accordingly, dismissed, with liberty to the petitioner to avail the common law remedy of a civil suit.

As a sequel to dismissal of the writ petition, W.P.M.P.No.4241 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

05th February, 2016
GHN