

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.20589 OF 2012

ORDER :

Heard counsel for the petitioner and Sri Ravi Cheemalapati,
Standing Counsel for 3rd respondent.

2. Petitioner's grievance is that the respondents are attempting to lay a road through the joint private passage of the petitioner situated in R.S.No.191/13 of Rangannagudem Village, Bapulapadu Mandal, Krishna District to connect it to the houses situated in R.S.No.191. He therefore seeks a direction to the respondents not to lay the said road.

3. Counter affidavit is filed by the respondents contending that the petitioner had no right in the land, which he alleges to be a private passage; that the petitioner himself had encroached Ac.0.03 cents of land; and the land where the road is being laid had been acquired from the petitioner's father and others long back.

4. Since disputed question of fact, as to the right of the petitioner in the land where the road is sought to be laid by the respondents, arise for consideration, this Court is of the opinion that petitioner ought to have approached the competent Civil Court for adjudicating his right, title and interest in the said land, as the said disputed question of fact cannot be gone into in exercise of writ jurisdiction by this Court under Article 226 of the Constitution of India.

5. Therefore, granting liberty to the petitioner to approach the competent Civil Court for appropriate relief, this Writ Petition is dismissed. There shall be no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

29th February, 2016.

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