

**HON'BLE SRI JUSTICE S.V. BHATT**

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**Writ Petition No.33572 of 2012**

**ORDER:**

The petitioner prays for the following relief:

“...writ of mandamus declaring the action of the respondent Nos.1 to 3 in trying to disposes the petitioner from the possession and enjoyment of the said **land abutting** (emphasise added) to Sy.No.393/5, 6 situated at Mallavaram Lanka, Narasapuram Mandal, West godavari District, without following the due process of the law and not considering petitioner's representation dated 15.09.2012, as arbitrary and illegal.”

2. This court on 19.10.2012 and 06.11.2012 granted the following interim order.

“19.10.2012 – Notice before admission, returnable in three (3) weeks.

Learned counsel for the petitioner is permitted to take out personal notice to the respondents by RPAD and file proof of service.

Pending further orders, it is directed that the respondents shall not block the existing access to the house of the petitioner.”

“06.11.2012 – In the last sentence of the interim order, dated 19.10.2012, the word ‘house’ shall be substituted with the words ‘agricultural land’.”

3. Respondent Nos.4 and 5 filed counter-affidavit along with the house site patta granted in favour of one Puchakayala Chandraleela W/o Puchakayala Brahmaiah/the 4<sup>th</sup> respondent herein.

4. I have perused the stand taken by respondent Nos.4 and 5 in the counter-affidavit, the house site patta dated. /09/2006 and the photographs depicting the area of assignment. The writ prayer on enjoyment of two cents abutting the petitioner's land in Sy.No.393/5, 6 and alleged obstruction of entry and exit, *prima-facie*, this court is of

the view that the writ prayer is misconceived. The petitioner, if at all, aggrieved of either by grant of assignment or in favour of 4<sup>th</sup> respondent's wife or by obstruction for entry and exit into her agricultural land, has to workout her remedies either by filing an appeal against assignment or instituting a suit in civil court.

5. On the ground that the writ prayer is misconceived, the writ petition is dismissed. Liberty to petitioner for pursuing the remedies available in law against the grant of patta or right for ingress and egress is granted in accordance with law. No order as to costs. Pending miscellaneous petitions, if any in this writ petition, shall stand dismissed.

***S.V.BHATT, J***

Date: 17.08.2016  
BSS

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