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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.20579 of 2009

ORDER:

This writ petition was filed with the following prayer:

“... issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring: a) the action of the respondents No.1 to 3 in allotting the land admeasuring Ac. 6-08 guntas, covered by Sy.Nos. 647, 649 and 650, situated at Mahabubnagar Town, Mahaboobnagar District, in favour of Respondent No. 4 & 5, b) The Action of the 1st respondent in issuing the Memo No. 12544/TE.I/A1/2005-03 dt. 14.08.2006, c) the action of the 2nd respondent in issuing proceedings No. E2/2105/2005 dt. 03.10.2006 as arbitrary, illegal and violative of principles of natural justice, Article 14 & 21 of the Constitution of India, consequently set-aside i) the impugned memo No. 12544/TE.I/A1/2005-3 dt:14.08.2006, issued by the 1st respondent, ii) the Proceedings No. E2/2105/2005, dt: 03.10.2006 issued by the 2nd respondent and pass such other order or order.”

2. This Court, by order dated 24.09.2009, granted interim stay of all further proceedings transferring subject land with building thereof in favour of respondents 4 and 5 contrary to gift deed dated 03.08.1964 executed by the ancestors of the petitioners to the Government.

3. When the writ petition is taken up for hearing, this Court noticed that the interpretation of the gift deed dated 03.08.1964 is involved in this writ petition and the writ petition is not an appropriate remedy for deciding such an issue raised by the petitioners, as the regular remedy for determining the rights of the parties is available under civil law.

4. The learned counsel for the petitioners seeks liberty to file a civil suit before the concerned Court raising all the pleas that are available to the petitioners under law.

5. In the circumstances, granting liberty as sought, this writ petition is disposed of. The interim order dated 24.09.2009 shall continue for a period of three months from today. No order as to costs. Miscellaneous

petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 17.03.2016

TJMR