

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.43314 of 2016**

**Dated : 20.12.2016**

Between:

Vemula Joseph,  
Khammam.

..

Petitioner

And

The State of Telangana represented by the  
Principal Secretary (Municipal Administration),  
Secretariat, Hyderabad and others.

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Respondents



**THE HON'BLE SRI JUSTICE P.NAVEEN RAO****WRIT PETITION No.43314 of 2016****ORDER :**

According to the petitioner, lay out was approved on 14.10.2002 in Survey Nos.51, 52/A, 53, 54/AA and 70 of Pakabanda Area, Khammam, in favour of the 5<sup>th</sup> respondent. The petitioner alleges that in the guise of obtaining approval of layout, the 5<sup>th</sup> respondent is encroaching into the land of the petitioner and the same is illegal.

According to the petitioner the lay out sanction does not contain the boundaries to the total extent and the plan also does not contain the signature of the applicant as well as the signatures of the licensed surveyor/architect as required by the Rules and therefore, the lay out is not valid in law. The petitioner further contends that even after 15 years of its issuance, it is not implemented on the site and it still remained as agricultural land. He would further submit that the lay out encroaches into the other survey numbers giving scope to civil litigation and criminal cases and therefore, the impugned lay out is to be set aside to avoid civil disputes and if the lay out is sanctioned again, petitioner has no objection.

Though the affidavit is silent on the real grievance of the petitioner, learned counsel for the petitioner fairly submits that petitioner has land adjacent to the subject property and in the guise of obtaining approval of the lay out certain plots without ear marking the boundaries are sold and the said purchasers are claiming those plots, falling in the land belonging to the petitioner.

Further, admittedly, the lay out was approved in the year 2001 and the petitioner approached this Court after 15 years. When the same is specifically asked by this Court, learned counsel for the petitioner submits that he is no way concerned with the lay out and he is not a person who made purchases and investments in the said land.

It is thus clear that the grievance of the petitioner is encroachment into his land by unauthorised persons. It thus appears that there is civil dispute between the petitioner and the 5<sup>th</sup> respondent and persons claiming through 5<sup>th</sup> respondent regarding the boundary as well as title. This Court in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India cannot enter into the disputed questions of fact. Aggrieved person has to work out his remedy before the Civil Court. Thus, if the petitioner is aggrieved by any illegal actions of the 5<sup>th</sup> respondent or persons claiming through him, the petitioner has to workout his remedies under civil law.

Accordingly, the writ petition is dismissed. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

**P.NAVEEN RAO, J**

20.12.2016  
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