

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO.28261 OF 2007

ORDER :

This writ petition is filed aggrieved by the action of the respondents in not conducting appropriate survey for demarcation of the burial ground bearing an extent of Ac.3-08 cents situated in R.S.No.109 of Nidamannuru Village, Vijayawada Rural Mandal, Krishna District, as illegal and arbitrary.

Counter affidavit is filed by the 3rd respondent stating that the Award passed on 22.11.2004 in favour of the 3rd respondent is an appealable order under Section 76 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act'), as such the above writ petition is liable to be dismissed in view of the availability of alternative remedy. It is also denied that the said burial ground was exclusively used by the members of the petitioner's society. It is also stated that in pursuance to the representation made by the petitioner, the 2nd respondent issued certificate dated 1.03.2004 which also shows that the subject land is classified as burial poramboke and there is no specific mention that it is being used exclusively by the members of the petitioner's society.

In view of the above, since the petitioner has an alternative remedy of filing an appeal under Section 76 of the

Act, this writ petition is disposed of giving liberty to avail the alternative remedy of appeal.

Accordingly, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.11.2016
dv

