

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.7349 of 2011

ORDER:

-
Heard Mr.P.Roy Reddy learned counsel for petitioner and the Assistant Government Pleader for Revenue.

The petitioner prays for the following prayer :-

“ to issue a writ, order or direction more particularly one in the nature of Mandamus, declaring the action of the respondents 2 to 4 in interfering with the petitioner's peaceful possession of his property an extent of 303 sq. yards of land in Sy.No.159 adjacent to premises bearing No.4-23-66/9 situated in Koritipadu, Guntur Town, without initiation of proceedings known to law as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents 2 to 4 to refrain from doing so”

The petitioner relies upon registered sale deed dated 06-08-1993 said to have been executed by one Lakshmi Nancharamma. The petitioner further claims to be in actual and physical possession of the subject matter of the writ petition.

The 2nd respondent has filed counter affidavits.

After perusing the material available on record, this court is of the view that the effort of petitioner to protect possession from interference by respondents or consideration of any other claim is not tenable. The issue requires consideration of pleadings in their right perspective, appreciation of evidence let in by the parties and thereafter appropriate relief can be considered. In other words,

the issue requires full-fledged trial before the prayer is accepted.

Having regard to the fact that the disputed questions of fact are presented and matter requires full-fledged trial, the writ petition is disposed of by giving liberty to petitioner, if so advised, to work out remedies in a properly instituted suit before competent court.

The writ petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

S. V. BHATT, J

Dt: 18-07-2016

Prv

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.7349 of 2011

-
-
-
-
-

18-07-2016

Prv

