

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4618 OF 2017

ORDER:

The case of the petitioner is that he is a Government employee and in the year 1974, he purchased a house bearing No.1/11 situated at Madikonda Village, Kazipet, Warangal District. While so, on 20.10.2016, the 3rd respondent with his men forcibly entered into the petitioner's property and tried to dismantle existing bore well fixed in the north east corner of the petitioner's house without any prior notice. With regard to the same, the petitioner approached the 2nd respondent and made a representation explaining all the facts and sought to conduct enquiry and take necessary action against the persons who are trying to remove the borewell. As no action has been taken, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue produced the instructions addressed by the Tahsildar, Kazipet, wherein it is stated that the Mandal Educational Officer, Khazipet has submitted a report to the District Collector, Warangal that a bore well was dug by a private person in the land belonging to the Mandal Parishat Primary School, Madikonda and as per the instructions of the District Collector, the respondent authorities visited the spot and

noticed that without obtaining prior permission, a new bore well was dug by the petitioner in the Government Land.

It is to be seen that the dispute is between the petitioner and the land belonging to the School. The petitioner has not filed any documents in respect of his land and the extent of land owned by him is also not mention. Moreso, these are all disputed questions of fact which cannot be decided in the writ petition.

As such, I do not see any reason to entertain the writ petition. Accordingly, the writ petition is dismissed. However, it is open for the petitioner to avail his remedies by approaching Civil Court for declaration of his rights. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

20.02.2017
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