

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

Writ Appeal No.1883 of 2017

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.35040 of 2017 dated 25.10.2017. The appellant herein filed the writ petition seeking a mandamus to direct the respondents to conduct a joint survey and fix the boundaries of the cart-way located between the borders of the two States of Telangana and Andhra Pradesh, so as to enable the appellant-writ petitioner to have ingress and egress to his land in Survey No.733/3 of Komatikunta Village, A.Konduru Mandal, Krishna District.

The appellant-writ petitioner's case is that the 9th respondent had instituted a suit in O.S.No.98 of 2016 before the Junior Civil Judge, Madhira, Khammam District, wherein he was arrayed as a defendant seeking permanent injunction in respect of an extent of Acs.2.00 of land in Survey No.25/A of Kachavaram Village; the 9th respondent had obtained an ad-interim injunction; and, under the guise of the ad-interim injunction order, he was causing inconvenience to the appellant-writ petitioner, and other land owners.

In the order under appeal the Learned Single Judge noted that, despite repeated queries as to how both the States were concerned in identifying the cart-way and in preventing the 9th respondent from obstructing the cart-way, and why joint survey by both the States was required, no clarification was forthcoming from the appellant-writ petitioner. The Learned Single Judge observed that there were *inter-se* disputes between the appellant-writ petitioner on the one hand and the 9th respondent on the other; and the appellant-writ petitioner was trying

to drag on the proceedings into the public law realm by seeking survey to be conducted by the two States, more so when litigation was pending. The writ petition was dismissed leaving it open to the appellant-writ petitioner to work out his remedies as available in law.

As noted hereinabove, the relief sought for in the writ petition is for a mandamus to fix the boundaries of the cart-way so as to enable the appellant-writ petitioner to have ingress and egress into and from his land. In case, the 9th respondent is preventing entry and exit of the appellant-writ petitioner from his own land, it is always open to him to avail his common law remedy of filing a suit before the competent Civil Court. *Inter se* disputes, between the appellant-writ petitioner on the one hand and the 9th respondent on the other, regarding the acts of the 9th respondent in preventing entry and exit of the appellant-writ petitioner from his own land, are matters which are, ordinarily, for the competent Civil Court to decide; and are not matters which this Court would entertain in the exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution of India. We see no reason, therefore, to entertain the writ appeal.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(GUDISEVA SHYAM PRASAD, J)

11th December, 2017
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Date: 11.12.2017