

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 494 of 2018

ORDER:

This Writ Petition is filed seeking a Mandamus by way of issuing directions to respondent No.5 not to construct public lavatories 'Sulabh Complex' by illegally encroaching petitioners' land, without following due process of law.

It is the precise case of the petitioners that they are the owners of the subject property and respondent No.5 is trying to construct public lavatories 'Sulabh Complex' by encroaching 7' feet of their land.

Learned Standing Counsel vehemently opposes the entertaining the Writ Petition and submits that the allegation of the petitioners that there is an encroachment of their land cannot be accepted in view of the admitted fact that on the northern side of the petitioners' property, there is an existing village site to an extent of more than Ac.1.50 cents.

Having considered the above and as it is fairly stated by the petitioners themselves that the Village site to an extent of Ac.1.50 cents being used as Bahirbhoomi earlier and to regulate the same,

now, the respondents are proposing to construct a Sulabh Complex on the said site, this Court is of the opinion that if there is any encroachment of the petitioners' land, they can agitate their rights in a civil suit by seeking appropriate reliefs..

In those circumstances, the Writ Petition is disposed of, leaving it open to the petitioners to workout their remedies in the civil suit. However, the respondents shall take into consideration the objections raised by the petitioners in their representation, objectively. This direction shall not be construed as this Court expressing any opinion with respect to the veracity of the allegations of the petitioners.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

18th JANUARY, 2018.

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