

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO. 2754 OF 2015

ORDER:

Heard the learned counsel for the petitioner as well as the learned GP appearing for respondent Nos. 1 to 3 and learned Standing Counsel for respondent No.5.

2. The prayer sought in the Writ Petition is as under:

“...to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents herein in proceeding with the constructions in the site of the Petitioner admeasuring an extent of Ac. 0-03 Cents in Survey No. 314/4 and Patta No.788 bounded by: East- Land of Gosula China Venkateswarlu; South- Manure pit site of Narapasetti Guravaiah and others; West- Kandlabata leading to Old Well; and North- The land of Gosala China Venkateswarlu of Darsi Village, Prakasam District and insisting him to vacate from the said site as illegal, irregular, unconstitutional, without jurisdiction and violative of Principles of Natural Justice besides being violative of Article 14, 21 and 300-A of the Constitution of India and consequently direct the Respondents herein not to undertake any construction work in the above said property and not to dispossess the Petitioner herein from the said property.”

3. The basic grievance of the petitioner in the present Writ Petition is that the respondents are proceeding with the construction in the land belonging to the petitioner without there being any authority in law.

4. However, learned GP appearing for respondent Nos. 1 to 3 placed on record the proceedings in Letter Rc.No.1641/C2/2015 dated 24.2.2015 addressed to the office of the Government Pleader. From the perusal of the said letter, it is revealed that the site where the school is situated and surrounded by a compound

wall belongs to Government. In fact, one Karna Ramana Reddy filed a suit in OSNo.40 of 2013 against the Head Master, M.P. Elementary School (North), Darsi and others. Pending the suit, he also filed an application in I.A.No.475 of 2013 seeking ad-interim injunction.

5. Learned GP brought to the notice of this Court that no orders have been passed in the said application and the said suit is pending consideration.

6. In that view of the matter, this Court, while exercising the jurisdiction under Article 226 of the Constitution of India, cannot go into the disputed questions of fact as to whether the said land belongs to the petitioner or his family members or the Government. The proper remedy for the petitioner is to approach the competent Civil Court and seek redressal of his grievances. Therefore, this Court is of the opinion that the present Writ Petition as filed is not maintainable.

7. Accordingly, the Writ Petition is dismissed.

8. It is needless to observe that the dismissal of the Writ Petition will not come in the way of the petitioner to pursue his remedies available to him as per law before the appropriate Forum.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P. KESHA VA RAO,J

Date: 23.11.2018

KPM