

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.14086 OF 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General appearing for the respondents 1 to 5.

The prayer sought for in the writ petition is as under:

“to issue an appropriate writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction on the part Respondents Nos. 2 to 5 on the petitioner's representation dated 08.04.2015 submitted to prevent the encroachment of site admeasuring 51 square yards being undertaken by 6th respondent which is exclusive property of the government and which is adjacent to the ancient monument i.e. Mogalrajpuram Caves as illegal, irregular, irrational, violative of provisions of Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 and rules made there under and consequently direct the Respondents Nos. 2 to 5 to prevent the encroachment of site property admeasuring 51 square yards by the 6th respondent by considering the petitioner's representation dated 08.04.2015.”

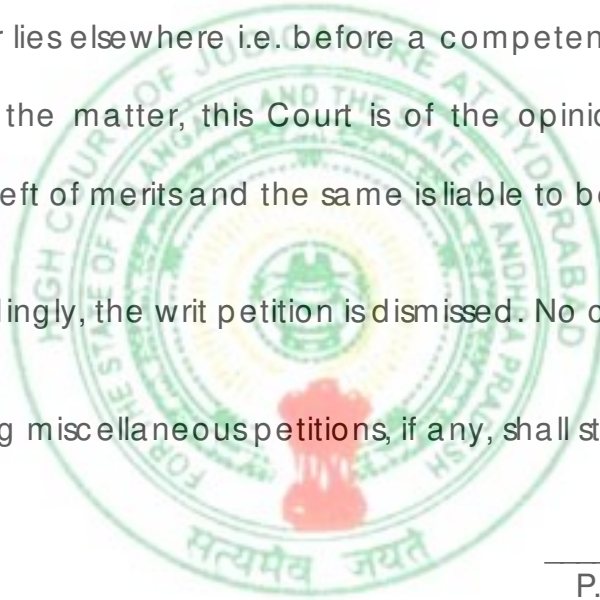
The respondents 1 to 5 filed a counter affidavit stating that the Archaeological Survey of India, Hyderabad Circle is the custodian of the centrally protected monuments, particularly those that come under the jurisdiction of Hyderabad Circle, but not the areas/land adjacent to the centrally protected monuments and therefore, the department does not involve in any civil dispute arising among the residents. Any civil dispute between the locals on the ownership matter is in no way related to Archaeological Survey of India. It is also mentioned that as per the provisions of the Ancient Monuments and Archaeological Sites and Remains Act and Rules as well as the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, the

department has no role to play in any of the irregularities arising in particular to any specified land disputes within the prohibited and regulated areas i.e. 100 metres and further 200 metres from the protected monument limits.

Having heard the learned counsel appearing for the petitioner and considering the facts of the case, the dispute as projected by the petitioner in the writ petition seems to be a private dispute with the 6th respondent herein. The said dispute is nothing to do with the respondents 1 to 5. Such is the case, the remedy for the petitioner lies elsewhere i.e. before a competent civil Court. In that view of the matter, this Court is of the opinion that the writ petition is bereft of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.



P.KESHA VA RAO,J

27th NOVEMBER 2018.

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