

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.20228 of 2018

ORDER:

Heard Mr.Kothapalli Ram Mohan Chowdary for petitioner and the learned Assistant Government Pleader (Revenue).

The petitioner challenges the communication No.A/77/2018, dated 22.05.2018 which reads as follows:

"Rc.No.A/77/2018, dated 22.05.2018.

Sir,

Sub:- I.A.No.86/2018 in O.S.No.37/2018 of the Junior Civil Judge, Kalyandurg – Kundurpi Mandal – Kundurpi Village – Sy.No.385-1B/1A Extent 5.40 Acre – Injunction granted by the Hon'ble Court – Implementation – request – reg.

Ref:-1. Representation of the individual, dated 22.5.2018.

2. A.No.86/2018 in O.S.No.37/2018 of the Junior Civil Judge, Kalyandurg.

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In the reference 2nd cited, the Hon'ble Junior Civil Judge, Kalyandurg granted injunction in favour of the petitioner Sri Kuruba Narayana S/o late K.Dodda Veerappa of Mahanantapuramu restraining the respondents and their men for interfering in the said land.

Hence I request you to go through the Court Order and also provide protection to Sri Kuruba Narayana S/o late K.Dodda Veerappa for entering into the land."

as illegal, without jurisdiction and amounts to exercising the jurisdiction not conferred on respondent No.2.

On 18.06.2018, at the request of respondents 1 to 2 and 5, the writ petition has been adjourned to today. The Assistant Government Pleader on instructions concedes that the letter may not be treated as order and mere intimation is given to 3rd respondent.

I have perused the copy of plaint in O.S.No.37 of 2018 and this Court is of the view that the communication by 2nd respondent does not fit into the scheme of things, namely, the parties are before the civil court for all reliefs and they ought to work out the prayers available in law before the civil court instead of seeking the support of administrative letters.

The communication impugned in the writ petition for the reasons referred to above is set aside.

The 4th respondent is given liberty to move the application before the Court of Junior Civil Judge for any relief in this behalf.

Writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 20.06.2018
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