

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 27573 of 2018

ORDER:

1) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent Nos.2 and 3 in not acting on the complaints/ representations made by the petitioner against the illegal and un-authorised construction made by respondent Nos.5 and 6, duly trespassing into the land of the petitioner, as illegal and arbitrary.

2) The averments in the affidavit filed in support of the writ petition would show that in the year 1983 the husband of the petitioner purchased land admeasuring Ac.11.19 ½, 11/ 19 ½ and 22.38 ½ in Sy.No.459 situated at Kondaparthi Village, Wardhanapet Taluk, Warangal, under registered sale deeds bearing document Nos. 824/ 83, 825/ 83 and 834/ 83. After the demise of her husband, she along with her son and daughter succeeded to the said property. While things stood thus, respondent Nos.5 and 6, who are private individuals, started making every effort to occupy the said land under the guise of constructing a temple in the absence of the petitioner. It is stated that the petitioner being a widow and

residing Abroad, was unable to resist the illegal acts of respondent Nos.5 and 6. Hence, the present writ petition.

3) There is no necessity to put the unofficial respondents on notice as this Court is not venturing to adjudicate the issue on merits.

4) The fact that it is a private land is not in dispute. It appears that the un-official respondents have encroached on to the land of the petitioner and have started constructing a temple. That being the position, the question of directing the Revenue Divisional Officer, to prevent the un-authorised constructions made in the land of the petitioner cannot be ordered. The petitioner should have invoked the common law remedy by filing an appropriate suit against the unofficial respondents or any other remedy available under law. Hence, the Writ Petition is disposed of, giving liberty to the petitioner to avail the remedies available under law, for enforcing her right over the said property.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

28.08.2018
gkv