

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.28501 OF 2018

ORDER:

The present writ petition came to be filed seeking issuance of Writ of *Mandamus* to declare the undated proceedings issued by the 3rd respondent-Tahsildar in respect of the agricultural lands admeasuring Ac.1.40 cents situated in Sy.Nos.149/3, 149/1 of A. Narayanapuram Village, Anantapur Rural Mandal, Anantapur District, as illegal and arbitrary.

It is the case of the petitioner that he is the owner and possessor of land admeasuring Ac.1.40 cents situated at Sy.Nos.149/3, 149/11 of A. Narayanapuram Village, Anantapur Rural Mandal, Anantapur District, as the same was inherited from his ancestors, who, in their life time were assigned the subject land. It is further stated that the petitioner is doing cultivation in the subject land for eking out his livelihood. While so, a civil dispute arose between the petitioner and the 4th respondent herein, which had to 4th respondent filing a suit in O.S.No.670 of 2017 on the file of Principal Junior Civil Judge, Anantapur against the petitioner for a permanent injunction, which is pending. It is also stated that the 4th respondent herein instead of waiting for the adjudication of the suit approached the 3rd respondent-Tahsildar and got erected a sign board in the subject property at the behest of the petitioner and when the petitioner questioned the 3rd respondent, he is said to have issued the undated impugned proceedings directing the petitioner not to enter the subject land on the ground that there was an interim order dated 7.11.2008, passed by this court in W.P.M.P.No.31850 of 2008 in W.P.No.24414 of 2008.

Having regard to the order of the High Court, the impugned proceedings issued by the 3rd respondent-Tahsildar directing the parties

to maintain *status quo* in view of the orders passed by this Court, cannot be found fault with. However, if the petitioner is aggrieved by the same, he can as well avail the alternative remedy if any available under law, but not by way of filing an independent writ petition under Article 226 of the Constitution of India.

Having regard to the facts and circumstances of the case, the writ petition is disposed of giving liberty to the petitioner to avail the alternative remedy available under law.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:13.08.2018
Gk



C. PRAVEEN KUMAR, J

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41



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