

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34971 of 2018

ORDER:

The case of the petitioner is that presently she is residing in Hyderabad and stated to have purchased land to an extent of 876.11 square yards situated in Sy.Nos 466/4A and 467/3, plot No.6 at Gollapudi Grampanchayat limits, Vijayawada from one Smt.Tanneru Ratnakumari through a registered sale deed. That the adjacent plot being plot No.7, which is an extent of 875.82 square yards was purchased by family members of the 7th respondent and the same is in possession of the 7th respondent.

The grievance of the petitioner is that when she visited plot No.6 which is purchased by her, she found her plot is encroached by the 7th respondent, who is Upa-Sarpanch of Gollapudi Gram panchyat and when the petitioner confronted him, he threatened her with dire consequences. Thereafter, on 14-07-2018, as negotiations to settle the issue failed, the petitioner lodged a criminal complaint with respondents 5 and 6 and also made a representation to respondent No.3 to survey the land and fix the boundaries and demarcate the same. Respondent No.3, on conducting enquiry issued an endorsement vide RCB 273/2018, dated 06-08-2018 stating that, the Village Revenue Officer, Gollapudi conducted enquiry and reported that in Sy.Nos 466/4A and 467/3, a portion of the land is vacant and some of it was converted into plots and other land was surrounded by wall and there are civil disputes. The report also states that as there is no sub-division of said land in the records, the survey could not be conducted. Again, when the petitioner renewed her request to the

3rd respondent by way of application dated 13-08-2018, the 3rd respondent has issued an endorsement dated 30-08-2018 refusing to conduct survey since there is no sub-division of said land in the revenue records. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

On a reading of the averments of the writ affidavit as well as the arguments advanced by counsel for the petitioner disclose that disputes exist between the petitioner and the 7th respondent, which are civil in nature and the official respondents have also observed the same while conducting enquiry. In view of the same, this Court is not inclined to entertain the writ petition as the disputed questions of fact cannot be gone into in the writ petition filed under Article 226 of Constitution.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to avail alternative remedy available to her under law, if so advised. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

25-10-2018
Nvl



