

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO. 22974 OF 2015

ORDER:

The prayer sought in the Writ petition is as under:

“... to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declaring the action on the part of the respondent No.3 to 5 herein influenced by the 6 to 16 respondents entering into the petitioners land admeasuring Ac.0.70 cents in Sy.no.126/6 renumbered as 126/3D shown as 126/1 situated at Pedda Narva village Pendurthi Mandal, Visakhapatnam district even though status quo order granted by this Hon'ble Court in W.P.M.P.No.41974 of 2013 in w.P.No.33738 /2013 on 27.11.2013 by misusing official power is highly illegal, arbitrary and violative of Article 14, 16 and 21 of the Constitution of India and consequentially direct the Respondent No.3 to 5 not to interfere by misusing official power influenced by the 6 to 16 respondents contrary to the orders W.P. M.P.No.41974 of 2013 in W.P.No.33738 /2013 on 27.11.2013 in respect of the land admeasuring an extent of Ac.0.70 cents in Sy.No.126/6 renumbered as 126/3D shown as Sy.No.126/1.”

The subject matter of this Writ Petition is purely a civil dispute between the petitioners and the unofficial respondents. It is alleged that the official respondents under the influence of the unofficial respondents, are entering into the subject lands and are interfering

with the peaceful possession and enjoyment of the properties of the petitioners. The petitioners approached this Court earlier in W.P.No.33738 of 2013 and obtained interim order of status-quo in W.P.M.P.No.41974 of 2013 dated 27.11.2013. In this Writ Petition, the petitioners pray to refrain the official respondents from interfering with their possession over the subject lands.

Mr. D.Krishna, Assistant Government Pleader for Home (Andhra), on the weightage of the counter affidavit filed by the 4th respondent submits that the respondent officials are only performing their legitimate duties in demarcating the lands and fixing the boundaries with regard to the eligible beneficiaries.

Having heard both sides, this Court is of the opinion that no relief can be granted in this Writ Petition.

Accordingly, the same is dismissed by giving liberty to the petitioners to seek appropriate remedy available under law by invoking civil jurisdiction since disputed questions of fact are involved.

Pending miscellaneous petitions, if any, shall stand dismissed.

No order as to costs.

T. AMARNATH GOUD,J

Date: 20.12.2018

KPM