

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.39531 OF 2018

Date:15.11.2018

Between:

Sk. Imam Saheb, S/o. Late Shaik
Ibrahim, Muslim, aged about 42 years,
Cultivation, R/o.D.No.3-1-23, Near
Janda Chettu, Stambhalagaruvu,
Guntur, Andhra Pradesh

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Municipal Administration
Department, Secretariat, Velagapudi,
Amaravathi, Guntur District and others

.. Respondents



This Court passed the following order:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.39531 OF 2018****ORDER:**

Heard.

2. This Writ Petition is filed seeking to declare the action of respondents 2 to 4 in not invoking the acquisition proceedings in laying a road in a private land as illegal and arbitrary. Petitioner alleges that at the instance of unofficial respondents, the Municipal Corporation is laying a road affecting the private property and the same is illegal.

3. The averments in the affidavit filed in support of the Writ Petition and the documents enclosed thereto would show that petitioner instituted O.S.No.96 of 2015 pending on the file of Junior Civil Judge, Guntur, praying to grant permanent injunction and for other reliefs. Petitioner alleges that by producing false documents, Smt. T. Nirmala, her husband and henchmen tried to trespass and encroach into her property and therefore she filed the said suit.

4. Learned Standing Counsel for Municipal Corporation, on instructions, submits that a layout was formed; in the layout, road was demarcated and there are existing roads. Learned Standing Counsel points out from the documents filed by petitioner, particularly at page No.33 of the material paper book where the schedule is enclosed describing existence of 40 feet wide road on the western side. *Prima facie* appears that there is a serious dispute between the petitioner and unofficial respondents and petitioner has already invoked the jurisdiction of civil Court.

5. Except alleging that a layout was formed and road was demarcated, there is no other material to show that the subject property belongs to petitioner and Municipal authorities are taking steps to form road by encroaching into the private land. The Writ Petition merits no consideration and the same is liable to be dismissed.

6. Granting liberty to the petitioner to avail appropriate remedies in the pending suit, the Writ Petition is dismissed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:15.11.2018

KH

P. NAVEEN RAO, J

