

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.44885 of 2018

ORDER:

The petitioner, in this writ petition claims to be owner of the land in question which he claims to be his ancestral property. His grievance is the official respondents 3 and 4, based on the applications made by 3rd parties issued proceedings under Section 5 of the AP Agriculture Land (Conversion for Non-Agricultural Purpose) Act, 2006, and converted the land in question from agriculture to non-agricultural purpose and pursuant thereto, the unofficial respondents created false lay-out and after making plots, the same are being put to sale to prospective purchasers without any ownership in their favour, in respect of the said land.

2. Petitioner further stated that he has instituted a civil suit being OS No.60 of 2014 on the file of the District Judge, Mahabubnagar, but the said suit was dismissed for default on 07-11-2017 and he is taking steps by way of filing an interlocutory application to restore the suit to file. That in the meanwhile, the unofficial respondents are making constructions in the land in question. Hence, this writ petition.

3. Learned counsel for the petitioner fairly submits that inasmuch as it takes some time for restoration of the suit OS No.60 of 2014, which was dismissed for default, in the meanwhile the unofficial respondents are proceeding with the constructions, the petitioner is constrained to file this writ petition. On the other hand, learned Assistant Government Pleader for Revenue submits that inasmuch as the petitioner as already availed the alternative remedy by way of filing suit, this writ petition is not maintainable.

4. It is to be seen that the petitioner is claiming ownership to the land in question and he has already invoked common law remedy. Once the petitioner availed alternative remedy by way of instituting suit, the petitioner cannot be permitted to maintain two parallel proceedings on the same cause of action. Therefore, this writ petition cannot be entertained and it is accordingly dismissed. However, it is open for the petitioner to work out his remedies in the suit already instituted by him. Miscellaneous petitions if any pending shall stand disposed of. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated:11-12-2018
NRG

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.44885 of 2018

//WEB//



Dated: 11-12-2018

NRG