

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.891 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

“The Honourable Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of *Mandamus* declaring the action of respondent Nos.2 and 3 in not taking any action on the petitioner’s representation dated 19.02.2018 as arbitrary and illegal and consequently, direct respondent Nos. 2 and 3 to take action on the petitioner’s representation dated 19.02.2018 and stop the works in Survey No.79/EE to an extent of Ac 500 guntas and pass such other order or orders as this Honourable Court may deem fit and proper in the interest of justice.”

Perusal of the representation dated 19.02.2018 made by the petitioner to Yamunampet Gram Panchayat, Ghatkesar Mandal, Ranga Reddy District, reflects that he already filed a partition suit in O.S.No.1621 of 2013 on the file of the learned II Additional District Judge, Ranga Reddy District at L.B.Nagar, wherein he secured an order injuncting the defendants from alienating the suit schedule property, but notwithstanding the same, the defendants in the said suit, being her family members, and Srinidhi School were undertaking work on the suit schedule property without there being any approved layout sanctioned by the Gram Panchayat. The petitioner therefore requested that no layout permission should be given in relation to the subject land.

As rightly pointed out by Sri G.Narender Reddy, learned counsel for respondent No.2 and Sri V.Siddhartha Goud, learned counsel representing Sri V.Narasimha Goud, learned Standing Counsel for respondent No.3, as the petitioner along with others already filed a civil suit in relation to their claims over the subject

land and have also secured an injunction against alienation, it would be open to them to seek appropriate interim relief in the said pending suit in relation to any attempt on the part of the defendants in the suit to change the nature of the land.

Without taking recourse to that remedy, the petitioner cannot seek to invoke the public law remedy of a Writ Petition by stating that the respondent authorities are not taking appropriate action upon his representation dated 19.02.2018. As the land in question is obviously a joint family property, it would not be within the ken of the authorities to undertake the exercise of determination of any individual rights of the family members of the petitioner over the subject land whereby they can deal with the petitioner's representation.

The Writ Petition is therefore utterly misconceived and is accordingly dismissed on this short ground. This order shall however not preclude the petitioner from taking appropriate steps in the pending suit, if she so chooses.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

22nd January, 2019

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