

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2661 of 2019

ORDER:

The allegation of the petitioners is that the respondents 2 to 5 have put up a Board on the petitioners site proclaiming that the land belongs to the Excise Department, and further stating that trespassers will be prosecuted.

It is the assertion of the petitioners that they are the land owners of a small extent of 550 square yards in Survey No.817/2/2 situated at Srinivasa Nagar Colony, Paloncha Town, Bhadradi Kothagudem District. The petitioners further assert that on an earlier occasion, the petitioners approached this Court by filing W.P.No.5510 of 2017 against the revenue authorities and the said writ petition was disposed of, however, taking advantage of the same, the Excise authorities are now trying to occupy the land.

Learned Government Pleader for respondents 2 to 4, on instructions, submits that the petitioners claim is with respect to Survey No.817/2/2 whereas even as per the Board put up at the site, the claim of the authorities is with respect to Survey No.817/1/3 over an extent of Ac.6-20 guntas. In that view of the matter, the petitioners cannot have any grievance. Learned Government Pleader also points out that on an earlier occasion, this Court declined to entertain the writ petition and the petitioners sought leave of this Court to workout the remedies before the competent Civil Court.

Having regard to the respective submissions, and having regard to the material on record, without expressing any opinion, liberty is given to the petitioners to work out the remedies available to him under Civil law;

particularly, considering the fact that there is dispute with regard to the identity and the boundaries of the property, as the claim of the petitioners being in one survey number, and the claim of the respondents being in another, therefore, the dispute is purely of civil nature.

In the circumstances, the writ petition is closed with liberty to the petitioners to work out remedies as available in civil law. No costs. Miscellaneous petitions, if any pending, shall stand closed.

14th February, 2019

KSM

JUSTICE CHALLA KODANDA RAM

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