

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4326 of 2019

ORDER:

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

“For the reasons stated in the accompanying affidavit filed in support of the present writ petition, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of mandamus, declaring the action of respondent Nos.2 to 4 in not taking action against respondent Nos.5 and 6 for the offence under Land Encroachment Act, 1905, in connection with the illegal encroachment of the Government land in Sy.No.747 to an extent of Acs.35-19 gts in Sy.No.700 to an extent of Ac.14-20 gts of Aitipamula Village, Kattangur Mandal, Nalgonda District, in spite of petitioner's representations dated 03.07.2018, 09.02.2019 and 12.02.2019 (2 in number), as illegal and void and opposed to Articles 14,19,21 & 300A of Constitution of India and consequently to direct respondents 2 to 4 to initiate proceedings under the Land Encroachment Act against respondent No.5 and 6 and recover the possession of the Government land to an extent of Acs.49-39 gts in question, so as to enable the authorities to utilize the same for the purpose of welfare schemes of the Government in favour of the landless poor persons and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

Perusal of the affidavit filed in support of the writ petition does not disclose as to how the petitioner has any personal grievance in relation to the alleged illegal constructions being made by the unofficial respondents in Government land.

In the event the petitioner is acting in public interest, he must file a writ petition in terms of the rules framed by this Court for filing public interest litigation. Without taking recourse to such procedure,

it is not open to the petitioner to file a writ petition in public interest in this indirect manner.

The Writ Petition is accordingly dismissed leaving it open to the petitioner to file a public interest litigation, if so advised, in accordance with the due procedure.

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

1st March, 2019

sj

SANJAY KUMAR, J

