

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.23524 OF 2019

Date: 29.10.2019

Between:

Mr. Thota Srihari, s/o. late Thota Narasaiah,
Aged about 70 years, occu: Retired Govt.Employee,
r/o.H.no.8-1-118/1, Shaikpet, Hyderabad.

.....Petitioner

and

The State of Telangana, rep.by the Prl.Secretary,
Revenue Department, State Secretariat,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

According to the petitioner, his father late Narasaiah was allotted the land to an extent of Ac.2.31 guntas in Sy.No.591, corresponding to town Sy.No.24 of Shaikpet village and mandal, Hyderabad district, forming part of Vinayak Nagar lay-out, developed by the Bhoodan Yagna Board (2nd respondent). The land allotted to him is forming part of Plot Nos.8 and 8/1 with roads. Petitioner alleges that 5th respondent, who is neighbouring land owner, is trying to encroach into Bhoodan Yagna Board lay-out and occupied the road abutting the plots affecting his easement rights. Alleging that such illegal activities are carried out by the 5th respondent, petitioner submitted representation to the Bhoodan Yagna Board, the District Collector and the Tahsildar on 25.04.2019. Alleging inaction on the said representation, this Writ Petition is filed.

2. From the reading of the representation, it is seen that petitioner has serious grievance against the private person on the allegation of encroaching into a road, which divides plot nos.8 and 8/1 of the petitioner affecting his easement rights and same is illegal and, therefore, respondents have to take action against unofficial respondent.

3. *Prima facie*, from the said averments, it is apparent that dispute is between the petitioner and other private person on the issue of affecting easement rights of petitioner. If that being so, petitioner ought to have availed civil law remedy. In exercise of

power of judicial review under Article 226 of the Constitution of India, this Court cannot go into the aspect of encroachment of the road and affecting the easement rights of the petitioner by a private person. Thus, leaving it open to petitioner to work out remedy as available in law, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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