

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.35406 of 2018

ORDER:

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

'For the reasons stated in the accompanying affidavit, 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 "Writ of Mandamus" by declaring the action of the Official Respondents more particularly the Respondent Nos.2 to 4, in spite of receiving the Writ Petitioner's Representation dt.12-08-2018 in not taking action against the Unofficial Respondent No.6 who has let-out and given for development the entire land covered in Sy.No.236 admeasuring Ac.7-36 guntas, situated at Padmanagar, Chintakunta Village of Kotapally Mandal, Karimnagar District to the Unofficial Respondent Nos.7 to 9 by executing a Registered Development Agreement dt.13-04-2015 vide Document No.3858 of 2015, Registered Supplementary Agreement dt.16-03-2016 vide Document No. 2844 of 2016, Registered Lease Deed dt.16-02-2018 vide Document No. 964 of 2018, despite the Respondent No.2 issued instructions to the Respondent Nos.3 and 4 not to entertain any registration, mutations in respect of the said land and other lands under dispute of Shaik Saleh and his Family by issuing Proceedings in Lr.No.LR1/108/97 dt.02-03-1998 and also in the absence of Nala Conversion they are proceeding with the illegal and unauthorized construction, besides the Respondent No.2 in pursuance of his Letter dated August, 2018, vide No.E3/2134/2018 at the instance of Petitioner's Complaint dt.12-08-2018 is again directing the Respondent No.3 to conduct local enquiry, as arbitrary, ex-facie illegal, dereliction of duty and by giving colourable exercise of their powers and consequently may direct the Official Respondents more particularly the Respondent No. 2 to take serious action by implementing its Report which was prepared in pursuance of the directions of the Division Bench of this Hon'ble Court passed in W.A.No.612 of 1997 by demolishing the entire unauthorized construction carried out by the Unofficial Respondents, in the interest of justice and may pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

It is an admitted fact that the land in question is not land over which the Government claims any interest. The disputes stated to be pending in relation to this land are also private disputes in which the Government has no role to play. If that is so, this Court is at a loss to understand as to how the petitioner can cast any duty upon the State authorities to interfere in what is essentially a dispute of a private nature.

Sri Nazir Ahmed Khan, learned counsel for the petitioner, would however assert that agricultural land is being put to non-agricultural use by way of the lease executed in favour of Wal-Mart India Private Limited, the ninth respondent, without adherence to the due procedure for conversion of the land use.

As it is the case of the petitioner that agricultural land is being put to non-agricultural use in violation of the law and he wishes to act in public interest, it is open to him to do so by openly professing that he is acting in public interest. The petitioner however cannot settle personal scores with the unofficial respondents by relying upon such a ground. The public law remedy of a writ petition under Article 226 of the Constitution is not available for settlement of private disputes between individuals.

The writ petition is therefore dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

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JUSTICE SANJAY KUMAR

Date: 15.02.2019

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