

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3905 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in threatening to demolish the house of the petitioners bearing No.8-2-413/2, admeasuring 1050 Sq.Ys. situated at Road No.4, Banjara Hills, Hyderabad, without issuing any prior notice and without following due process of law, as illegal and arbitrary.

The case of the petitioner is that she is the absolute owner and possessor of the premises bearing No.8-2-413/2, admeasuring 1050 sq.ys. at Road No.4, Banjara Hills, Hyderabad, having purchased the same under a registered sale deed dated 22.09.1993. Thereafter the petitioner constructed 3rd and 4th floors and pent house after obtaining permission. While so, when the respondent authorities tried to demolish the same without issuing any notice, the petitioner preferred a civil suit seeking perpetual injunction along with an application for temporary injunction. The Civil Court granted *Status Quo* and the same is continuing till today. Even Status Quo orders of the Civil Court are subsisting the respondent officials are interfering and threatening the petitioner to demolish the property without due process of law. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Standing Counsel for respondent Corporation submits that pent house is not regularised and that though 'status quo' orders of the Civil Court are subsisting, the petitioner again made application before this Court.

In the instant case, the petitioner cannot, simultaneously, seek same relief before the Civil Suit as well as before this Court under article 226 of the Constitution of India. The petitioner can seek relief before the Civil Court where suit is pending. In view of the same, I do not see any ground to entertain the writ petition.

Accordingly the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions if any pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

24.02.2014

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