

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

FRIDAY, THE TWELFTH DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.16595 of 2015

Between:

Mohd. Yakhoob,
Son of Md. Shaik Nisar Ahmed,
Aged 32 years, R/o. H.No.10-3-192/B/21/A,
Humayan Nagar, Hyderabad.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary to Government,
Municipal Administration and Urban Development,
Secretariat Building, Hyderabad & 4 others

.. Respondents

The Court made the following:

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ORDER:

With the consent of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration for the 1st respondent and Sri P. Krishna Reddy, learned Standing Counsel for the Greater Hyderabad

Municipal Corporation for respondents 2 to 4, this writ petition is disposed of at the admission stage.

2. The pleadings in the affidavit filed in support of the writ petition and the material enclosed to the writ petition would disclose that there is an *inter se* dispute regarding the title and possession of the extent of property in Municipal House bearing No.10-3-192/B/21/A, Humayan Nagar, Hyderabad. Alleging that the 5th respondent in the writ petition made several attempts to interfere with the peaceful possession and enjoyment of the property owned by the petitioner, the petitioner filed O.S.No.1748 of 2015, on the file of the IX Junior Civil Judge, City Civil Court, Hyderabad. In I.A.No.360 of 2015, the IX Junior Civil Judge, Hyderabad, granted temporary injunction order in favour of the petitioner and against the respondents restraining the respondents from dispossessing the petitioner from the petition schedule property.

3. The petitioner alleges that the 5th respondent obtained a fake assessment and secured house number bearing 10-3-192/B/22 and in the guise of obtaining such house number, the 5th respondent is trying to grab the property of the petitioner. The petitioner alleges that such house number could not have been granted as there cannot be two house numbers in one property.

4. As noticed above, there is a civil dispute pending between the petitioner and the 5th respondent and entertainment of the writ petition or any decision in this writ petition will have an adverse impact on the pending proceedings before the civil Court. The grievance agitated in the writ petition directly concerns the grievance raised in the suit. Further more, even according to the learned counsel for the petitioner, the said house number was allotted to the vendor of the 5th respondent way back in the year 1992 and the 5th respondent purchased the same in the year 2001.

5. As contended by the learned counsel for the petitioner, so far no

further action was taken by the 5th respondent, which would directly affect the petitioner. The petitioner only apprehends that in the guise of obtaining this house number, the 5th respondent is trying to encroach upon the property of the petitioner and claim it as if belonging to the 5th respondent and if such relief is granted by the Municipal Corporation, it would amount to changing the plan which was already approved and the same is not permissible in law.

6. Be that as it may, since O.S.No.1748 of 2015 is pending consideration by the IX Junior Civil Judge, City Civil Court, Hyderabad, I am not inclined to entertain the writ petition and grant the relief as sought to by the petitioner in the writ petition. However, the dismissal of the writ petition does not bar the petitioner in prosecuting his remedies as available in law.

7. The Writ Petition is dismissed accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 12th June, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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