

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.23159 of 2015

Between:

K. Nirmala, W/o. Sanjeev Rao,
Aged about 53 years, Occ: Housewife,
R/o. H.No.10-10-364/1A,
Drivers Colony, Nagaram Village,
Nizamabad District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Secretariat, Hyderabad & 7 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims to be the owner and possessor of agricultural land admeasuring to an extent of Ac. 0.16 guntas in Survey No.400/P2, Ac. 0.13 guntas in Survey No.400/P1, Ac. 0.16 guntas in Survey No.401/E, Ac. 0.16 guntas in Survey No.401/EE, total admeasuring Ac. 1.21 guntas, situated at one compact area having common boundaries at Ashok Farm, Akulakondur Village Shivar of Nizamabad Mandal and District. The petitioner alleges that the 8th respondent i.e., Sarpanch of Akula Kondur Gram Panchayat, with the help of the revenue authorities is trying to lay a road in the land of the petitioner along with other villagers alleging that there was a road existing for over 40 years. The purchase made by the petitioner and other villagers was not acceded to. Aggrieved by the said illegal action, the petitioner instituted O.S.No.161 of 2014, which is pending on the file of the Principal Junior Civil Judge, Nizamabad. The petitioner also filed I.A.No.736 of 2014 in O.S.No.161 of 2014. The said I.A. was dismissed by order, dated 19.12.2014. The petitioner alleges that the crucial aspects were not considered by the Principal Junior Civil Judge, Nizamabad, and by not granting the orders, the suit stands posted to 28.08.2015. At this stage, this writ petition is filed seeking similar relief making similar allegations that the

8th respondent is illegally interfering with the possession of the property and laying the road on the property belonging to the petitioner.

2. Having regard to the fact that the petitioner already instituted O.S.No.161 of 2014, which is pending on the file of the Principal Junior Civil Judge, Nizamabad, I am not inclined to entertain the writ petition. The petitioner seeks to contend that what was considered by the Court below is different from what is alleged in this writ petition. According to the petitioner illegally road is sought to be formed in his land. However, subject property is same as and as seen from the order of trial Court in I.A.No.736 of 2014, grievance was against laying a road in petitioner schedule property by incumbent Sarpanch, 8th respondent herein and 1st respondent in the said I.A. Having considered the matter on merits, the trial Court refused to grant injunction sought by petitioner. Having failed to issue interlocutory order from the trial Court, it is not permissible for the petitioner to institute this writ petition seeking similar relief against the respondents. Hence, this writ petition is not maintainable.

3. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to work out his remedies in the pending civil suit or on any orders emanating therefrom. 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: 27th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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