

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.31034 of 2015

Dated 07th December, 2015

Between:

K.Sruti and another

...Petitioners

And

The State of Telangana, rep.by its Principal Secretary, Municipal
Administration and Urban Development Department, Telangana
Secretariat, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri Hari Sreedhar

**Counsel for respondent No.1: GP for Municipal Administration
(TS)**

Counsel for respondent Nos.5 & 6: Sri G.Manohar

The Court made the following:

ORDER:

This writ petition is filed feeling aggrieved by grant of Occupancy Certificate by respondent Nos.3 and 4 in favour of respondent Nos.5 and 6 in respect of the property which is the subject matter of dispute in two pending civil suits.

A perusal of the pleadings shows that the petitioners, who claim that respondent Nos.5 and 6 have occupied 46.67 sq.yards of land on the eastern side of their property, have filed O.S.No.50 of 2012 in the Vacation Court, Ranga Reddy District for permanent injunction which was re-numbered as O.S.No.466 of 2012 on the file of the learned I Additional District Judge, Ranga Reddy District and an interim order of injunction was granted in the said suit. Later, respondent Nos.5 and 6

have filed O.S.No.1723 of 2013 in the Court of the learned II Additional Senior Civil Judge, Ranga Reddy District against the petitioners and father of petitioner No.1 for injunction. The petitioners, thereafter, have filed O.S.No.14 of 2014 in the Court of the learned II Additional Senior Civil Judge, Ranga Reddy District for recovery of possession of 46.67 sq.yards from respondent Nos.5 and 6. As interim order of injunction was declined by the trial Court, the petitioners have filed C.M.A.Nos.800 and 801 of 2014, wherein this Court has granted interim order of *status quo* and the said CMAs are stated to be pending. As noted above, the cause of action for filing the present writ petition by the petitioners has arisen on account of issue of Occupancy Certificate by respondent Nos.3 and 4 in favour of respondent Nos.5 and 6.

The facts narrated above would clearly show that there is a serious civil dispute with regard to title between the petitioners on one hand and respondent Nos.5 and 6 on the other. In the face of such subsisting civil dispute, it is not appropriate for this Court to render any finding on merits. If the petitioners succeed in O.S.No.14 of 2014 filed for recovery of possession, the Occupancy Certificate issued in favour of respondent Nos.5 and 6 to the extent of the said property would render itself ineffective, subject, however, to further remedies that may be availed by the said respondents.

In this view of the matter, the writ petition is dismissed, however, with the observation that the legality or otherwise of the Occupancy Certificate would depend upon the outcome of the pending civil suits.

As a sequel to dismissal of the writ petition, interim order, dated 29.09.2015, shall stand vacated and WP.M.P.No.40108 of 2015 and WV.MP.No.3929 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th December, 2015
VGB