

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

WRIT PETITION No.39907 of 2015

-
09.12.2015

Between:

Buddha Balaji Rao

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.R.Siva Sai Swaroop

Counsel for respondent No.1: Assistant Government Pleader for
Municipal Administration and Urban Development (AP)

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Counsel for respondent No.2: Assistant Government Pleader for Revenue
(AP)

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Counsel for respondent Nos.5 and 6: Assistant Government Pleader
for Home (AP)

Counsel for respondent Nos.3 and 4: --

Counsel for respondent Nos.7 and 8: --

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The Court made the following:

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ORDER:

This writ petition is filed with the grievance that respondent No.3 Corporation has not been accepting the report of the Professor of the Andhra University on the dilapidated nature of the building owned by the petitioner and not demolishing the same. However, on the petitioner's own showing respondent Nos.7 and 8, who are his tenants, filed O.S.Nos.1360 and 1022 of 2013 respectively in the Court of learned I Additional Senior Civil Judge, Visakhapatnam, against him and other owners of the building for permanent injunction restraining them from interfering with their peaceful possession and enjoyment of the suit schedule properties and that in the said suits, *ad interim* injunction orders were passed by the civil Court, which are in force as on today.

In my opinion, though respondent No.3 Corporation is not a party to the aforesaid suits, the petitioner, having suffered *ad interim* injunction, cannot force respondent No.3 Corporation to act contrary to the injunction orders passed by the civil Court. Instead of seeking vacation of the injunction order, the petitioner has unnecessarily filed this writ petition and if relief is granted to the petitioner in this writ petition that would run contrary to the *ad interim* injunction order passed by the civil Court.

In the above view of the matter, the Writ Petition, which is wholly misconceived, is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.51522 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

09th December, 2015
GHN