

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.39328 of 2015

Dated 03.12.2015

Between:

M.Ramesh Babu

... Petitioner

and

-

Greater Warangal Municipal Corporation

rep. by its Commissioner and 2 others

...Respondents

Counsel for the petitioner: Mr.P.Vikram

The Court made the following:

Order:

The petitioner filed this Writ Petition with the grievance that respondent No.1 is not responding to his representations made against respondent Nos.2 and 3, who, allegedly, encroached his land to an extent of 50 square yards at H.Nos.5-8-208 and 5-8-208/1 at Kishanpura, Naimnagar, Hanamkonda, Warangal District, and raised a compound wall in Zigzag manner.

After hearing Mr.Vikram Pooserla, learned Counsel for the petitioner, this Court is of the opinion that the dispute raised before respondent No.1 cannot be allowed to be decided by it, because it is purely a civil dispute between the petitioner on one side and respondent Nos.2 and 3 on the other side. The power to adjudicate the issue whether a party has encroached the property of another party cannot be conceded to respondent No.1 as such an adjudicatory power is vested only in the competent civil Court.

In this view of the matter, without expressing any opinion on the merits of the case, this Writ Petition is dismissed with liberty to the petitioner to avail the common law remedy of a civil suit before the competent Court of civil jurisdiction.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.50708 and 50709 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd December, 2015

LUR