

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

Writ Petition No.14844 of 2015

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Dated 30th November, 2015

Between:

G.Prabhakar

...Petitioner

And

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

...Respondents

Counsel for the petitioner: Smt.M.Punyavathi

for Sri Bujji babu Davuluri

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

Counsel for respondent No.2: Ms.Pingali Lakshmi

Counsel for respondent No.4: AGP for Home

Counsel for respondent No.5: Sri G.L.Narasimha Rao

The Court made the following:

ORDER:

This writ petition is filed with the grievance that respondent No.5 who has filed O.S.No.108 of 2013 in the Court of the learned

II Additional Junior Civil Judge, Warangal and secured an interim injunction on 08.02.2013 in I.A.No.159 of 2013 is not following the conditions stipulated in the said order by the lower Court not to change the physical features or not to raise any structures over the suit schedule property till further orders.

At the hearing, Sri G.L.Narasimha Rao, learned counsel for respondent No.5, submitted that the petitioner has already moved the lower Court by way of contempt case for the alleged violation of the above-mentioned conditions stipulated in the order of the lower Court restraining respondent No.5 from raising structures.

In my opinion, as the above-mentioned order of the lower Court is self-contained, the petitioner can only move the lower Court for enforcement of the conditions subject to which the interim order was granted in favour of the petitioner. The jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked for executing the orders of the civil Courts.

In this view of the matter, the writ petition is dismissed with liberty to the petitioner to pursue the contempt case stated to have been filed complaining violation of the conditional interim order of the lower Court besides availing other remedies open to him in law before the lower Court.

As a sequel to dismissal of the writ petition, interim order, dated 21.05.2015, shall stand vacated and WP.M.P.No.19299 of 2015 and WV.MP.No.3132 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

30th November, 2015

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