

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

TUESDAY, THE THIRTIETH DAY OF JUNE TWO THOUSAND AND
FIFTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.19099 of 2015

Between:

T. Venkata Subba Reddy,
S/o. Rami Relddy, Aged 60 years,
Occ: Business, R/o. Door No.1-203-A-17,
Vidyanagar, 2nd Lane, 1st Ward,
Markapur, Prakasam District,
Andhra Pradesh.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration &
Urban Development,
Secretariat, Hyderabad & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

With the consent of the learned counsel for the petitioner and the learned Government Pleader for Municipal Administration for respondents 1 and 2, this writ petition is disposed of at the admission stage.

2. The petitioner claims to be the owner and possessor of land in Survey No.482/2 to an extent of 170 square yards purchased by way of registered document, dated 13.05.2003. The affidavit is silent as to what is the grievance of the petitioner, but only refers to representations stated to have been submitted by him on 08.06.2015 and 13.06.2015. In both the representations, the petitioner refers to the boundaries of his property and allege that somebody encroached on to his land and undertaking construction. The said representations would disclose *prima facie* that there is a dispute between the petitioner and some third parties regarding the ownership and possession of extent of land the petitioner claims as purchased by him. Unless the ownership issue is resolved by initiation of appropriate proceedings, the petitioner cannot apply to the respondent Municipality to stop construction as alleged in the said representations. As evident from the said representations, the dispute is more of illegal encroachment than construction being

made. It is also appropriate to note that the so-called persons who are in illegal occupation or who claim to be undertaking the constructions as alleged are also not made parties.

3. It is also settled principal of law that any civic body cannot go into disputed questions of fact nor can resolve the dispute to the title. Thus, the petitioner has to work out his remedies as available in law and to establish the title and ownership. Once the petitioner succeeds in establishing title, if any illegal construction is made on the property owned by the petitioner, it is always open to complain to the respondent Municipality to take further course of action, as warranted by law. Thus, the writ petition in the present form is not maintainable. The Court cannot adjudicate the disputed questions of fact and, therefore, no direction as sought for by the petitioner can be granted.

4. With the above observations, the Writ Petition is disposed of. 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: 30th June, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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