

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28737 of 2015

DATED : 29.09.2015

Between :

Indugu Nageshwara Rao S/o.Satyanarayana,
Age :78 yrs, Occu : Retd. Employee,
R/o.Flat No.G-2, Suryateja Apartments,
Chandragiri Colony, Phase-II, Tirumalegerry,
Secunderabad.

.. Petitioner

and

The Commissioner,
Greater Warangal Municipal Corporation,
Warangal & another.

.. Respondents

This court made the following :

THE HON’BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner claims to be the owner of Plot bearing No.10 to an extent of 257 Square yards in Sy.No.872 (Old No.922) and there was typographical error of recording as Survey No.873 (Old No.917) situated at Waddepally, Hanamkonda, Warangal District. The petitioner claims that some persons are undertaking construction of a building on the plot belonging to the petitioner and alleging that illegal construction is being taken up, a representation is submitted by the petitioner to the 1st respondent on 22.06.2015 and since no action is taken on the said representation, this writ petition is filed.

2. Learned Standing counsel, on instructions, submits that the particulars furnished by the petitioner are vague and when the officers have made field inspection of the area, they could not identify the so called plot which the petitioner is mentioning, and no such colony by name Pratapa Rudra Co-operative Housing Society exists.

3. As seen from the averments made in the affidavit filed in support of the writ petition, and the material papers enclosed, the petitioner filed O.S.No.579 of 2015 pending on the file of

II-Additional Junior Civil Judge, Warangal, praying to declare the plaintiff as the sole and absolute owner of suit schedule property, to declare the ownership rights in his favour and against the defendants and a direction to defendants 1 and 2 therein, to execute sale deed in favour of the plaintiff. A reading of the pleadings and prayer sought in the suit would go to show that the petitioner is yet to establish his ownership rights. Thus, the petitioner has to work out his remedies in the pending suit, before making a claim that no illegal construction can be made, assuming that such construction is taken up illegally. Even though in the prayer, the petitioner claims to be the owner of Plot bearing No.11, in the affidavit filed in support of the writ petition, the plot number is mentioned as '10' and no effort was made to correct the same by the petitioner. In fact in this writ petition, none of the persons who are alleged to have been undertaking construction of building are made as parties. Thus, the writ petition in the present form is not maintainable and is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies in the pending suit. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand

dismissed.

P.NAVEEN RAO,J

29th September, 2015.

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