

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

**MONDAY, THE TWENTY EIGHT DAY OF SEPTEMBER TWO THOUSAND
AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.18286 of 2015

Between:

Chinigepally Venkata Krishna Murthy,
S/o. Adinarayana, Aged about 42 years,
Occ: Business, R/o.Cheruvukommupalem,
Ongole Rural Mandal, Prakasam District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principle Secretary,
Municipal Administration,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims to be the owner and possessor of property bearing Door No.3-9, with an extent of 45 gadies, situated at Cheruvukommupalem Village, Ongole Rural Mandal, Prakasam District. The petitioner alleges that the 4th respondent has started construction of house in March, 2014, by encroaching the site of the petitioner by 3 feet. The Town Surveyor Report, dated 05.12.2014, substantiated his contention that there was an encroachment. In spite of a complaint given by the petitioner on the alleged encroachment and undertaking construction without obtaining permissions, this writ petition is filed.

2. As seen from the averments made in the affidavit filed in support of the writ petition, the grievance of the petitioner is two fold: 1) that there was construction activity taken up by the 4th respondent without obtaining due permissions and; 2) there was an encroachment of the land belonging to the petitioner.

3. With reference to the construction activity undertaken by the 4th respondent, learned Standing Counsel, on instructions, submits that on 05.12.2013, the building permission is granted to the 4th respondent. Therefore, unless and until the building permission is withdrawn, the construction activity undertaken by the 4th respondent, if the same is made within the permissible limits as per the sanction granted, cannot be interfered by this Court. It is not the case of the petitioner, as on today that the construction is made in violation of the building permission. With reference to the encroachment, it is purely a civil dispute and the petitioner has to work out his remedies. The respondent Municipal Corporation cannot decide the issues concerning the boundary disputes and the petitioner has to work out his civil remedies as available in law.

4. Accordingly, the Writ Petition is disposed of, by granting liberty to the petitioner to work out his remedies on the alleged encroachment of the property belonging to the petitioner by the 4th respondent before the civil Court. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 28th September, 2015

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