

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25916 of 2015

ORDER:

Heard the learned counsel for the petitioner, and the learned Standing Counsel for the respondents 1 to 4.

In spite of notice to the fifth respondent, the fifth respondent did not claim notice, and hence, this writ petition is being disposed of at the admission stage.

The petitioner claims that he is the owner and possessor of land of an extent of Ac.1.00 in Sy.No.251/EE1 of Kanteshwar, Nizamabad. He claims that his father purchased the said land on 25.04.1970. After the death of his father, the said property devolved upon the petitioner. While so, the neighbour of the petitioner had applied for two different layouts in L.P.No.15/2005 and L.P. No.45/2005. In L.P. No.15/2005 sanctioned by the Director of Town and Country Planning, Hyderabad, the land of the petitioner was also included. Challenging the action of the Director of Town and Country Planning, the petitioner filed W.P. No.9930/2013, and the same is pending. The petitioner also filed suits in O.S. No.21/2013 and O.S. No.140/2004 on the file of the Court of Senior Civil Judge, Nizamabad, seeking the relief of declaration of title and perpetual injunction and they are pending. It appears that the fifth respondent purchased a part of the said property covered by L.P. No.15/2005, which is located in the land claimed by the petitioner. When the respondents 1 to 4 are trying to give power connection to the fifth respondent, the present writ petition is filed.

It is submitted by the learned counsel for the petitioner that the fifth respondent is the defendant in O.S. No.21/2013 as well as O.S. No.140/2004. He further submits that though the third respondent directed the fourth respondent by marking a copy to the Assistant

Divisional Engineer/Operation/Nizamabad Town, not to give electrical connection to fifth respondent, the fourth respondent was trying to give electrical connection to fifth respondent, and the petitioner made an enquiry under the Right to Information Act. The fourth respondent communicated a letter on 07.08.2015 stating that the pendency of the suits and the writ petition are not binding on him, since the Department is not a party to the cases.

However, in view of the pendency of the suits against the fifth respondent before the Court of Senior Civil Judge, Nizamabad, this Court is not inclined to entertain the present writ petition, but the petitioner is given liberty to take appropriate proceedings, against the fifth respondent in accordance with law, in the pending civil suits seeking appropriate relief. In that view of the matter, this Writ Petition is disposed of, directing the respondents 1 to 4 not to give electrical connection to fifth respondent for a period of four (4) weeks from today. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

10.09.2015
MVA

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Date: 10.09.2015

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