

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

**THURSDAY, THE THIRD DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.28366 of 2015

Between:

Jignesh N. Mota,
S/o. Navin Chand Mota,
Aged about 42 years, Occ: Advocate,
R/o. H.No.4-3-65/1/C, Sultan Bazaar,
Hyderabad.

.. Petitioners

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & 6 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

According to the petitioner, he claims to have purchased Plot No.447, admeasuring 300 square yards, Shastripuram Cooperative Society, Mailardevpally, Rajendranagar, by way of a registered Sale Deed bearing Document No.4758/81, dated 31.07.1981. According to the petitioner, the third respondent created a fabricated document, dated 22.03.1990, purporting to be a sale deed executed by the same vendor and transferred the plot to the 4th respondent. Respondents 4 and 5, claiming the property to be their ancestral property, gifted the same to the 6th respondent in the year 2005. Much earlier, the 4th respondent leased the property to the 7th respondent for a period of five years and the 7th respondent dug a bore well and utilizing the water for the purpose of purification and selling the same as mineral water. The petitioner claims to have filed a police complaint against such illegal action and crime is registered and the police filed the charge sheet and the matter is pending consideration on the file of III Metropolitan Magistrate, Cyberabad, in C.C.No.522 of 2014.

2. This writ petition is filed alleging that illegally the bore well is dug in the property belonging to the petitioner.

3. As seen from the averments made in the affidavit filed in support of the writ petition, the grievance of the petitioner

is alleged fabrication and subsequent transactions on the property which allegedly vested in the petitioner. There is no allegation of illegal exercise of power by any statutory authority offending right to property vested in the petitioner. Whereas the grievance of the petitioner is illegal encroachment into his property and claim by the party respondents that the property was owned by them. Thus, if the petitioner has to assert his right over the property vis-à-vis., the party respondents herein, he has to avail appropriate remedies as available in civil law. Since no grievance is raised in the petition of illegal action or inaction on the part of the authorities of the State or the respondent Municipal Corporation, the writ in the present form is not maintainable.

4. The Writ Petition is, accordingly, dismissed leaving it open to the petitioner to avail appropriate civil law remedies. 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: 3rd September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 3rd September, 2015

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