

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

**TUESDAY, THE TWENTY FIFTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.26980 of 2015

Between:

Angerga Sudarshan,
S/o. A. Veerender, Aged 51 years,
Occ: Agriculture,
R/o. H.No.6-20-1915/A,
Gurbabadi Road, Nizamabad Town,
Nizamabad District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary
Municipal Administration &
Urban Development Department,
Secretariat, Hyderabad & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26980 of 2015

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ORDER:

The petitioner claims to be the owner of house bearing Municipal No.6-20-1915/A, situated at Gurbabadi Road, Dubba, Nizamabad. According to the petitioner, abutting the above house on the northern side, there is a vacant land admeasuring 50 feet by 60 feet. According to the petitioner, the said vacant land is also assessed to property tax. According to the petitioner, the said property belongs to his grand father and he succeeded to the same and he is in possession and enjoyment. In fact, the petitioner earlier instituted O.S.No.482 of 1998, on the file of the Principal Junior Civil Judge, Nizamabad, praying to grant perpetual injunction to restrain the respondent Municipal Corporation from interfering with the construction of compound wall. However, the suit was dismissed on the specious ground that the mandatory procedure under Section 209 of the Andhra Pradesh Municipalities Act, 1965, was not complied with. According to the petitioner, the possession is never disturbed. While so, the Municipal Corporation is now taking steps to erect a statue on the same land and if that happens, grave prejudice would be caused to the petitioner and the property being a private property, the statue cannot be erected without following the due process of law.

2. The material enclosed to the writ petition do not support the possession and claim of the petitioner regarding title. The petitioner relies on municipal receipts issued in support of the claim that he is in possession. It is also not clear from those receipts whether they belong to same subject property. *Prima facie*, if the petitioner wants to establish his title to subject property, he has to establish by availing civil law remedies. However, the material on record does not disclose *prima facie* that the petitioner is the owner and, therefore, the direction as sought for restraining the respondent Municipal Corporation to erect the statue cannot be granted.

3. Leaving it open to the petitioner to work out his remedies as available in law, the writ petition is liable to be dismissed. However, liberty as sought for is also granted to the petitioner to make a representation to the 2nd respondent Municipal Corporation enclosing all the relevant documents in support of his claim and as and when such a representation is submitted by the petitioner, the same shall be considered, as expeditiously as possible, preferably within a period of one (1) week from the date of receipt of representation and at any rate before the erection of statue takes place.

4. With the above observations, the Writ Petition is dismissed. 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: 25th August, 2015

Note: Issue C.C. in two (2) days.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 25th August, 2015

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