

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

WRIT PETITION NO.23790 of 2015

Between :

B. Ganesh S/o.B. Narayana Goud,
Aged about 64 yrs, Occu : Business,
R/o.13-123/6, Sanjay Nagar,
Malkajgiri Municipality, Hyderabad & another.

.. Petitioners

and

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 31.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.23790 of 2015

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ORDER :

The petitioners claimed to have purchased Ac.3.00 of land in Sy.No.192 in the year 2002 and after obtaining due permission, formed a lay out and have left out about 400 Square yards of open space. The respondents 4 and 5 have applied for lay out in Sy.No.191 to an extent of Ac.4.26 guntas. The petitioners allege that the respondents have shown the open space left out by the petitioners as 20 feet road and in the said manner, lay out was formed which amounts to encroaching into the land of the petitioners and illegally showing the open plot left out by the petitioners as 20 feet road. Alleging that such illegality has taken place, the petitioners have submitted a representation on 26.06.2015 to the 2nd and 3rd respondents and as the said representation is not disposed of, this writ petition is filed.

2. *Prima-facie*, as seen from the averments made in the affidavit filed in support of the writ petition, it appears that both the lay outs were sanctioned by the Municipal Corporation. The only question is whether the claim of the petitioners to the 400 Square yards left out by them in Sy.No.192 is valid and whether the respondents 4 and 5 in the process of forming a lay out in their land in Sy.No.191 have encroached into the land of the petitioners. It is a question of fact depends on verification and determination of the ownership to the respective extent of lands of the adjacent property owners. Strictly, in so far as Municipal corporation is concerned, it has no jurisdiction or competence to adjudicate the rival claims and decide the title. Therefore, if the petitioners are aggrieved by the alleged illegal action of respondents 4 and 5, they have to work out their civil remedies. Thus, no direction as sought can be granted to the respondent-Corporation to attend to the grievance as projected by the petitioners in the representation dated 26.06.2015 and they have to work out their remedies as available in law. Any observations made herein is only for the purpose of disposal of the writ petition, and these observations does not come in the way of the petitioners agitating their grievance in accordance with law.

3. Accordingly, this Writ Petition is dismissed. There shall be no

order as to costs.

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

P.NAVEEN RAO,J

31st July, 2015.
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