

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.17836 of 2012

Order:

The case of the petitioner is that she is the owner and possessor of house bearing No.3-7-344/A, Vavilalapally locality of Karimnagar Town, Karimnagar District. Her house is facing northern side having 15' wide road. It is her allegation that the second respondent without taking any permission from the first respondent started construction illegally on the road margin in front of her house. It is also her case that the second respondent is not the absolute owner and possessor of the said property and he is not having valid title. However, the petitioner states that the second respondent filed O.S.No.145 of 2011 against her and her husband seeking perpetual injunction and the said suit is pending before the Court of the Senior Civil Judge, Karimnagar. The petitioner states that she submitted a representation to the first respondent on 01.01.2011 for taking action against the unauthorised construction on the road margin and when no action was taken in spite of other representations dated 14.11.2011 and 04.06.2012 the present Writ Petition was filed.

No counter affidavit is filed by the first respondent till today. The second respondent states that he is the owner of 1057 sq. yards of land in Survey No.1312 of Vavilalapalli village. Since the neighbouring house owners let out the drainage water into the plot of the second respondent and made the said plot a resting place for pigs and mosquitoes he wanted to construct one foot small stone wall obstructing the said drainage water. The petitioner herself constructed the house by encroaching 3 ½ feet into the public lane on 15' wide road which is stated to have situated on the

northern side. The second respondent denied collusion with the first respondent.

In view of the pendency of O.S.No.145 of 2011 between the petitioner and the second respondent, this Court is not inclined to go into the merits of the dispute between the parties. However, the present Writ Petition is confined to the complaint lodged by the petitioner against the second respondent before the first respondent alleging unauthorised construction on the road margin.

In the circumstances, the Writ Petition is disposed of directing the first respondent to consider the representations of the petitioner dated 01.01.2011, 14.11.2011 and 04.06.2012 and take further action in accordance with law after hearing the petitioner and the second respondent. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 01.11.2016
Nsr