

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33622 of 2016

Date : 17.10.2016

Between :

Mahant Jyothi Prakash Das S/o late Omprakash Das
Sri Narsing Mandir and Mutt,
Mahankali Street, Secunderabad

Petitioner

And

The State of Telangana
Rep by its Principal Secretary
Municipal Administration and Rural Devp Dept
Secretariat, Hyderabad & others.

Respondents

The Court made the following:



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ORAL ORDER:

The present writ petition is filed praying to grant the following relief:

“.....to issue a writ, order or direction, more particularly one in the nature of Writ of seeking writ of Mandamus declaring the action of the respondents 1 to 3 in not initiating any action on my representation dt.19.09.2016 for removing the dilapidated mulgies and houses bearing Nos.3-3-395 to 415, 3-3-418, 3-3-418/1, 3-3-419 to 429, 3-3-436, 437 belonging to the petitioner temple in which the respondents 4 to 12 are in possession is illegal, arbitrary and consequently direct the respondents 1 to 3 to remove the mulgies and houses bearing Nos.3-3-395 to 415, 3-3-418, 3-3-418/1, 3-3-419 to 429, 3-3-436, 437 belonging to the petitioner...”

During the course of hearing, learned counsel for petitioner fairly submitted that respondents 4 to 12 instituted O.S. Nos. 356 and 359 of 2013 on the file of the Junior Civil Judge, Secunderabad, wherein trial Court granted injunction order in their favour and the said suits are pending. The implead applications filed by the petitioner herein were dismissed. Aggrieved thereby, petitioner filed C.M.As, which are pending before this Court. He would further submit that petitioner instituted suits in O.A Nos. 575, 577, 578, 579, 582, 583 of 2014 claiming title to the property and same are pending before the Endowments Tribunal.

Admittedly, civil litigation is pending and injunction order is operating against the municipal corporation. Since civil litigation is pending, no direction as sought for can be granted. The writ petition is misconceived. Accordingly, writ petition is dismissed. However, dismissal of the writ petition does not come in the way of the petitioner working out his grievance in the C.M.As. pending before this Court and O.As pending before Endowments Tribunal. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 17.10.2016
TVK

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