

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.11026 of 2012

ORDER:

This writ petition was filed alleging that the petitioner purchased plots bearing Nos.75 and 76 admeasuring 682.44 square yards in the revenue limits of Gopanpally village, Serilingampally Mandal, Rangareddy District during the year 1995. The said plots were purchased from one Smt. Vijayalaxmi W/o. Sri D.Raj Kumar, R/o. D.No.2-4-628/57, Sunder Nagar, Kachiguda, Hyderabad. The petitioner has been in possession of the said land. While so, respondent No.4 tried to interfere by trespassing into the said property. Though respondent No.3 warned the respondent No.4, respondent No.4 continued his illegal activity. The petitioner published a public notification in Eenadu local daily dated 26.02.2012 explaining the ownership position to the public. In those circumstances, the petitioner filed the present writ petition alleging the inaction on the part of official respondents in preventing and removing all unauthorised structures installed by respondent No.4 and ensuring the peaceful and lawful ownership/enjoyment/possession of the property.

Learned Government Pleader for Home (TG), on the basis of written instructions, submits that pursuant to the complaint made to the Commissioner of Police, Cyberabad, the complaint was endorsed to the then Station House Officer, Chandanagar Police Station on 18.01.2012 through the Assistant Commissioner of Police, Madhapur Division for enquiry and report. The then Station House Officer, Chandanagar Police Station has requested the petitioner to produce the relevant documents for the purpose of enquiry, but he failed to approach the Police Station along with

relevant documents, and hence, no case was registered. It was also stated that the Station House Officer, Chandanagar cannot remove any unauthorised structures installed by respondent No.4.

It is clear from the above facts that respondent No.4 might have raised some unauthorised structures, in which event the appropriate remedy for the petitioner is to approach the Civil/Criminal Court, but cannot invoke the jurisdiction of this Court for the relief sought for in the present writ petition. Hence, this writ petition is not maintainable for the relief sought herein and it is open to the petitioner to take appropriate civil/criminal proceedings restraining respondent No.4 from interfering with his property, if he is so advised.

Accordingly, this Writ Petition is dismissed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

22.02.2016
MVA