

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.42858 of 2015

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Date: 06.01.2016

Between:

B.Vinay

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Municipal Admn., and Urban Development Dept.,
Hyderabad and 3 others

.. Respondents

Counsel for the petitioner :

**Mr.K.Siva Reddy
for Ms.N.Nagavani**

Prasuna

**Counsel for the respondents:
Administration**

AGP for Municipal

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The Court made the following:

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Order:

The petitioner, who has a serious title dispute with respondent Nos.3 and 4 over a plot of land, having lost the suit earlier filed by him, has filed this Writ Petition complaining of non-intervention by respondent No.2 with the construction activity being carried on by respondent Nos.3 and 4 on the said plot.

From the nature of the pleadings in the Writ Petition, it is evident that the main grievance of the petitioner is that respondent Nos.3 and 4 have encroached upon the plot claimed by him and been raising construction thereon and that in spite of his representation, respondent No.2 has not been taking any action.

In my opinion, the petitioner cannot seek to drag respondent No.2 into the dispute between himself on one side and respondent Nos.3 and 4 on the other with respect to a house site. If respondent Nos.3 and 4 have encroached upon his property, the petitioner should have filed a comprehensive suit for preventing the said respondents from proceeding with the construction.

The petitioner cannot be permitted to avail the public law remedy to settle his property dispute with respondent Nos.3 and 4.

In this view of the matter, the Writ Petition is dismissed, however, with liberty to the petitioner to avail the common law remedies available to him in law.

As a sequel to dismissal of the Writ Petition, WPMP.No.55249 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 6th January, 2016
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