

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.723 of 2016

-
07.01.2016

Between:

D.Nageshwara Rao

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Rizwan Ali

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for respondent Nos.2 to 4: --

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The Court made the following:

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ORDER:

The petitioner, who claims to be the owner of the property bearing house No.18-5-226, admeasuring 107 sq.yds. situated at Gollaguda, Aliabad, Hyderabad, filed this writ petition feeling aggrieved by the purported inaction of respondent Nos.2 and 3 in taking action against the construction being made by respondent No.4 over the said property, by allegedly encroaching the same.

A perusal of the affidavit filed in support of the writ petition shows that the petitioner has not raised any whisper regarding the nature of the construction being raised by respondent No.4. Unless the petitioner alleges and *prima facie* proves that respondent No.4 is raising construction without a sanctioned plan or in deviation thereof, respondent Nos.2 and 3 cannot be directed to interfere with such construction, merely on the petitioner's allegation that respondent No.4 has trespassed into his private property. Such a dispute can only be adjudicated by a competent civil Court.

In the above view of the matter, the Writ Petition is dismissed, with liberty to the petitioner to avail the common law remedy of filing civil suit against respondent No.4.

As a sequel to dismissal of the writ petition, W.P.M.P.No.892 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

07th January, 2016

GHN

