

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37914 OF 2016

Dated:04.11.2016

Between:

Smt. Chettipilli Mangamma,
W/o.Late Appala Raju, aged 67 years,
R/o.Door No.2-35, Yendada Village,
Near Ramalayam, Geetham Post,
Visakhapatnam and others

.. Petitioners

And

The State of Andhra Pradesh, rep.,
by the Principal Secretary, Municipal
Administration Department, Secretariat,
Velagapudi (Amaravathi),
Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.37914 OF 2016****ORDER:**

This Writ Petition is filed declaring the action of respondent Nos.2 and 3 in not disposing of the representation of the petitioners with regard to the illegal constructions made by respondent No.4 in violation of the Building Rules under the provisions of the Hyderabad Municipal Corporation Act, 1955 as illegal and arbitrary.

2. The facts on record would disclose that there is a civil dispute between the petitioners and respondent No.4 and the petitioners instituted O.S.No.458 of 2013 on the file of VII Additional District Judge, Visakhapatnam and respondent No.4 is defendant No.1 therein. The petitioners have also filed I.A.Nos.1011 and 1013 of 2013 in the said suit. By order dated 03.01.2013, the trial Court allowed both the applications and granted interim injunction restraining respondents 1 and 2 therein from alienating the constructed area and also making further constructions.

3. Since the civil litigation is pending between the petitioners and respondent No.4 and injunction is already granted in their favour, the only remedy available to the petitioners is to seek enforcement of the said order. When the same is pointed out, learned counsel for the petitioners has fairly conceded the same.

4. In the circumstances, when the issue is pending before civil Court, this Court cannot entertain the Writ Petition on the very same issue and grant any relief to the petitioners.

5. Hence, the Writ Petition is dismissed leaving it open to the petitioners to work out their remedies in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date:04.11.2016

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P. NAVEEN RAO, J

