

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.39147 OF 2016

Dated:14.11.2016

Between:

Kola Yellamma, W/o. Kola Somaiah,
Aged about 72 years, Occ: Housewife,
R/o.23-63, Nehru Nagar, Miryalaguda,
Nalgonda District and another

.. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Municipal Administration,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.39147 OF 2016

ORDER:

The petitioners allege that the respondent – Municipal Corporation is undertaking construction of a building in the property belonging to them in Survey No.23/AA situated at Miryalaguda Village and Mandal, Nalgonda District. The petitioners allege that the property belongs to them and therefore, respondent – Corporation cannot encroach into their property and undertake construction without following due process of law and in support of their claim, they relied on the entries made in the pahanies.

2. Whether the petitioners are the owners of the subject property and whether in violation of the right of the private persons, the respondent – Municipal Corporation is undertaking construction of the building, are the matters, which cannot be gone into in exercise of power of judicial review under Article 226 of the Constitution of India. These are the disputed questions of fact regarding the ownership of the property against which the aggrieved person has to work out his remedies before appropriate civil Court. Hence, the Writ Petition is liable to be dismissed.

3. The Writ Petition is accordingly dismissed leaving it open to the petitioners to work out their remedies before appropriate civil Court. There shall be no order as to costs.

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

P. NAVEEN RAO, J

Date:14.11.2016

Note:- Issue C.C. in three days.

(B/o)
KH