

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.24536 of 2016

ORDER:

Heard the learned counsel for the petitioner.

2. This Writ Petition is filed by the petitioners with the following reliefs:

“To issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Certiorari calling the connected records:

i. relating to letter of Assistant City Planner GHMC Circle No: V, vide No: R4/TPS/HO/GHMC/2015 dated: 10-02-2016;

ii. Letter No: 199 /RTI-ACT/ IHAL/ 2016 dated: 5-6-2016 from respondent No: 6 herein.

iii. Record relating to demarcation application submitted on 31-8-2015 with a request to demarcate the disputed property and

Declare the action of the respondents No: 9 and 10 is illegal, arbitrary and consequently direct the respondents 1 to 6 to demolish the illegal structure and the direct respondents No. 6 to take cognizance against the respondents Nos. 9 and 10 and to pass such other further order or orders as deemed fit and proper in the circumstances case and in the interest of justice.”

3. Petitioner's grievance is that he is the owner and possessor of house bearing No.20-3-412/1

admeasuring 65.66 and 111 sq. yds. respectively situated at Moosa Bowli, Hussaini Alam, Hyderabad and respondent Nos.9 and 10, who are his brother and brother's wife also have 168 sq. yds. land bearing house No.20-3-412/1, and they have forcibly grabbed the land belonging to the petitioner. They alleged that they have grabbed 22 sq. yds. of land forming part of the petitioner's property. Petitioner contends that he filed O.S.No.272 of 2016 before VII Senior Civil Judge, City Civil Court, Hyderabad and also obtained injunction order against respondent Nos.9 and 10 on 15-03-2016 in I.A.No.224 of 2016 and that the same has been extended from time to time. Petitioner contends that he had approached 6th respondent with a copy of injunction order and lodged a complaint for taking necessary action against respondent No.9 and 10, but the 7th respondent, who is in-charge of the 6th respondent-police station is supporting respondent Nos.9 and 10.

4. Petitioner contends that he approached Tahsildar of Bahadurpura Mandal on 31-08-2015 for demarcation of the disputed land, but the said official refused to do so. Petitioner, therefore, has filed this Writ Petition assailing the proceedings of the 11th respondent dt.10-02-2016 under the Right to Information Act certifying that there are no encroachments in the land of the petitioner; proceedings

dt.05-06-2016 of the 7th respondent with regard to issuance of a weapons licence to the 9th respondent; and also seeking action with regard to application for demarcation submitted by the petitioner on 31-08-2015.

5. Admittedly O.S.No.272 of 2016 filed by the petitioner is pending before the VII Senior Civil Judge, City Civil Court, Hyderabad and he obtained injunction order against respondent Nos.9 and 10 in I.A.No.224 of 2016 on 15-03-2016. If the petitioner is of the view that the said injunction order has been violated, it is open to the petitioner to take appropriate steps in the said suit to determine the said issue and also for obtaining demarcation of the land.

6. Therefore, I am not inclined to entertain the Writ Petition accordingly the Writ Petition is dismissed with liberty to pursue appropriate remedy in the Civil Court. No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-07-2016

KVR