

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.27209 of 2009

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare notice in Rc.No.C/ 277/ 2009, dated 15.10.2009, as illegal and arbitrary.

The case in brief is that the petitioner is purchased 932 square yards of land from one Thota Pullaiah and Siram Nageshwar Rao vide registered sale deed, dated 28.04.1993, and he gifted an extent of 300 square yards of land to the daughter of his paternal aunt i.e. the 5th respondent. Since the boundaries of the gifted property were not defined, the 5th respondent started interfering with the left over property of the petitioner. The petitioner obtained permission for construction of RCC Residential building from the Gram panchayat and the same is valid for one year. As the permission was expired, the petitioner submitted an application for renewal to the 4th respondent and the same is pending. Meanwhile, the 3rd respondent passed the impugned notice directing the petitioner to stop the construction activity on the complaint made by the 5th respondent. Immediately, the petitioner filed his objection and reply before the respondents 1 and 2. But, no action has been taken by the respondents 1 and 2. Hence, this writ petition.

When the matter is taken up for hearing, learned counsel for the 5th respondent informed that the petitioner filed a civil suit in respect of the subject property and the same is dismissed and the appeal preferred by the petitioner against dismissal of the suit is pending before the Court concerned.

Considering the circumstances of the case, the writ petition is disposed of directing the petitioner to seek his remedy before the concerned civil Court.

No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

August 04, 2017
KTL

