

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9997 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to issue a writ of mandamus to declare the action of the respondents 1 and 2 in not taking any action against the respondents 6 to 9 for excavating the cellar at H.No.5-3-851/3, without obtaining any permission from the respondents 1 and 2, as arbitrary and illegal and consequently, direct the respondents 1 and 2 to take appropriate action against the respondents 6 to 9 for preventing the illegal construction in the above site.

The case of the petitioner is that he is the owner of the property bearing No.5-3-851/3, near Surya Mahal, Pardhiwada, Malakunta, Hyderabad. The allegation in the writ petition is that the respondents 6 to 10 in collusion with each other having occupied the property of the petitioner and proceeding with the construction without even obtaining permission. It is also the allegation of the petitioner that without obtaining any permission, the respondents 6 to 10 dug the cellar and when the same addressed letter, dated 07.02.2017, to the respondents 1 to 5 setting out the details but, no action has been taken. Hence, this writ petition.

Having considered the submissions made on behalf of the petitioner and after perusing the record, a large number of cases are being filed before this Court day in and day out. In the present case, except addressing a letter to the respondents 1 to 5 by making bald allegations, the petitioner has not made any effort by approaching the authorities even under the Right to Information Act to ascertain whether any permission has been obtained by the respondents 6 to 10. In other words, what the petitioner seeks is a roving enquiry by this Court and that a

direction to the respondent authorities to take cognizance of the allegations that are being made by the petitioner. The only reason and ground on which the petitioner seeks such roving enquiry to be directed by this Court and put burden on the authorities for verification, is that the respondents are duty bound to verify when an allegation is made. It may be noted that the respondent authorities have limited manpower resources available at their end who are required to discharge statutory functions as enjoined under the Act. What the petitioner seeks to achieve by simply writing a letter to the authorities and file a writ petition is to settling out his private disputes in relation to the property.

It is not the case of the petitioner that the petitioner cannot approach Civil court as the powers under Section 9 of CPC are wide enough to sort out the disputes between the petitioner and the unofficial respondents. The petitioner also not placed any prima facie material to assert that the respondents 6 to 10 did not have permission for making constructions. In those circumstances, this Court is not required to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

Hence, Writ Petition is dismissed. However, dismissal of this writ petition shall not be considered as preventing the petitioner from taking appropriate proceedings with respect to his grievance and to assert his civil rights against the respondents 6 to 10.

There shall be no order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

CHALLA KODANDA RAM, J

March 21, 2017
KTL

