

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16153 of 2012

ORDER:

This writ petition is filed with a prayer to declare the construction carried out by the 4th respondent in the premises bearing H.No.10-38, Plot No.16 in Survey Nos.263 and 264 situated at Gaddiannaram, Saroornagar Gram Panchayat, admeasuring 244 square yards, as illegal and arbitrary and further direct the respondents 1 to 3 to remove the illegal and unauthorized construction made by the 4th respondent.

When the matter is taken up for hearing today, no representation is made on behalf of the petitioners. On perusal of the affidavit and the counter filed by the 4th respondent, it is evident that there is a rival claim by the 4th respondent with regard to the subject property. Therefore, when there is a rival claim by the 4th respondent, the petitioners cannot seek the relief from this Court to direct the respondents 1 to 3 to demolish the building constructed by the 4th respondent. If the petitioners are having any grievance with regard to the subject property against the 4th respondent, they can well approach the competent civil Court to establish their right over the subject property. Therefore, this Court is of the view that the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

January 30, 2017
KTL