

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 27480 of 2017

Order:

It is the case of the petitioners that they have purchased an extent of 6655 sq. yards of open land in Survey No.724/D of Bommakal village, Karimnagar Mandal, Karimnagar District, through a registered sale deed bearing No.7192 of 2015 dated 24.07.2015. The names of the petitioners were mutated in the revenue records by proceedings dated 22.01.2016. The petitioners state that they are residents of Hyderabad and taking advantage of their absence the illegal constructions were made. They also state that they filed O.S.No.124 of 2016 on the file of the Principal Senior Civil Judge, Karimnagar for injunction and an ad-interim injunction was granted on 03.08.2016 restraining the respondents from interfering with the possession of the land. It is also stated by the petitioners that on 02.08.2016 they submitted a representation to the second respondent requesting him to direct the third respondent to take action against the former Grampanchayat Secretary Bathula Shankaraiah for issuing illegal construction permission in the land belonging to the petitioners and also against the present Gram Panchayat Secretary Md. Mehtaab for failing to curb the illegal construction in the land of the petitioners. When no action was taken on the said representation, the present Writ Petition is filed.

The persons who made unauthorized construction are not made parties to the present Writ Petition nor the said Panchayat Secretaries are impleaded. The present Writ Petition is filed challenging the action of the respondents 3 and 4 in not removing the unauthorized constructions. No representation is submitted to the respondents 3 and 4. A reading of the representation shows that the third parties have made constructions

pursuant to a permission granted by the former Secretary, though the right of the third parties to construct the houses is in dispute and the very action of the Secretaries in issuing the permission is also disputed. In such circumstances, the petitioners, having availed the alternative remedy, should have filed a comprehensive suit with regard to structures raised in the land claimed by them. The petitioners did not choose to do so. They filed the present Writ Petition seeking removal of the structures and the said relief cannot be granted, when the petitioners had already availed the alternative remedy in the competent Civil Court.

The Writ Petition is, accordingly, dismissed at the admission stage. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 17.08.2017
Nsr

A. RAMALINGESWARA RAO, J

