

THE HON'BLE SRI JUSTICE M.S.K. JAI SWAL

WRIT PETITION No.23861 of 2009

ORDER:

This writ petition is filed for a mandamus, declaring the proceedings in Roc.No.A4/22441/2007-08, dated 04.08.2009, issued by the 1st respondent, as illegal and arbitrary.

Heard the learned counsel on either side and perused the material available on record.

The learned counsel for the respondents submitted that the present writ petition has been filed without exhausting the remedy that has been provided in the impugned proceedings.

As per the impugned order, in response to the notice issued, the 2nd respondent had submitted link documents, but the petitioner has not produced the link documents, and hence it is ordered that the House Nos.11-23-1537/1 and 11-23/1537/2, which stands in the name of the petitioner, as per records, are cancelled. While ordering so, the 1st respondent, in last paragraph of the impugned proceedings, has directed that if the petitioner submit registered link documents at any later date, her case will be considered for allotment of house numbers.

In view of the liberty given in the impugned notice, the petitioner ought to have approached the 1st respondent for redressal of her grievance, by producing the registered link documents in support of her contention.

The learned counsel for the petitioner submitted that the petitioner filed a suit in O.S.No.391 of 2007 on the file of the Principal Senior Civil Judge, Warangal against the 2nd respondent and obtained *ad interim*

injunction. The learned counsel for the 2nd respondent submitted that the said suit was dismissed as not pressed. The said aspect is not relevant.

In view of the fact that the 1st respondent gave a clear liberty to the petitioner to approach him with registered link documents in her possession, if any, then her case will be considered, the Writ Petition is disposed of, directing the petitioner to approach the 1st respondent with the registered link documents, and on producing such documents, the 1st respondent shall consider and dispose of the case on merits, in accordance with law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

Date: 07.11.2017
Dsr



M.S.K.JAI SWAL, J