

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.32824 OF 2017

Dated:03.10.2017

Between:

G. Savitry, W/o. Late G. Narasimha,
Aged 58 years, Occ: Labour,
R/o.Plot No.3, Manikeshwari Nagar,
Vadderabasthi, O.U. Campus,
Tarnaka, Hyderabad

.. Petitioner

And

The Principal Secretary, Telangana
State, Revenue Department, Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.32824 OF 2017****ORDER:**

Petitioner alleges that house site patta bearing No.F1/7161/83 was issued on 15.08.1984 by the Revenue Divisional Officer, the 3rd respondent, in the name of her late husband. While so, the 5th respondent, who is a neighbour to the petitioner, is encroaching into the plot allotted to her husband and undertaking construction therein. Alleging that the said construction is illegally made by encroaching into the plot of the petitioner and the revenue authorities are not taking any action against the 5th respondent and not stopping the said construction, this Writ Petition is filed.

2. The material on record would disclose that a suit was filed by the wife of the 5th respondent against the petitioner claiming that she is the sole and absolute owner of the suit schedule property. The said suit was decreed in favour of the wife of the 5th respondent, wherein the petitioner herein was the sole defendant. According to learned counsel for the petitioner, the said decree has become final and no appeal was preferred by the petitioner. However, it appears that the petitioner filed L.G.O.P.No.297 of 2016 which is pending on the file of XXV Additional Chief Judge, Land Grabbing Tribunal, Hyderabad, and no injunction was granted in favour of the petitioner. Furthermore, it is to be seen that the prayer sought is to stop construction allegedly being made by the 5th respondent. As seen from the material on record, the property is falling within the limits

of the Greater Hyderabad Municipal Corporation (GHMC) and it is not known whether permission was obtained by the 5th respondent before undertaking construction. GHMC is not made as a party to the Writ Petition. It appears, no grievance is made to the GHMC on the alleged construction made by the 5th respondent. Revenue authorities have no competence to stop alleged illegal construction made by a person within the GHMC limits, more particularly when such person has obtained a decree against the petitioner. Thus, no relief as sought for by the petitioner can be granted. Hence, the Writ Petition is liable to be dismissed in *limine*.

3. The Writ Petition is accordingly dismissed. However, it is open to the petitioner to work out her remedies as available in law, if so advised, against the alleged illegal construction made by the 5th respondent. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date: 03.10.2017

KH

P. NAVEEN RAO, J