

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22268 OF 2017

ORDER:

This writ petition is filed to declare the action of the respondents in trying to lay road in the petitioners' plot of an extent of 105 square yards in Sy.No.92/ D, situated at Wadapally Revenue village of Grater Warangal Municipal Corporation, Warangal, as illegal and arbitrary, and consequently, direct the respondents not to lay road from the petitioner's land.

The case of the petitioners is that they are owners and possessors of land of an extent of 105 square yards, and they are in peaceful possession and enjoyment of the same. When the neighbours of the petitioners try to grab the said land, the petitioners approached the Civil Court and filed O.S. No.123 of 2013 on the file of the Additional Senior Civil Judge, Warangal, and obtained injunction order. While so, on 20.06.2017, the officials of the 2nd respondent came to the subject land and try to lay a road through the said land, and when the petitioners objected the same, they left that place. The grievance of the petitioners is that without issuing any notice to the petitioners and without following due process of law, the respondents are trying to lay the road through their private land.

When the matter is taken up for hearing, learned Standing Counsel appearing for the 2nd respondent submitted that the 2nd respondent is not laying the road and it has no intention to lay the road through the land of the petitioners.

At this stage, learned counsel for the petitioners submitted that the neighbours of the petitioners are trying to lay the road illegally

through the subject land, and that the 2nd respondent is not preventing them.

As seen from the record, it is evident that the petitioners have already approached the Civil Court and filed O.S. No.213 of 2013 on the file of the Additional Senior Civil Judge, Warangal, to restrain the persons, who are trying to interfere with the possession of the petitioners over the subject property.

Considering the circumstances of the case and in view of the submissions of the learned Standing Counsel for the 2nd respondent, the writ petition is disposed of, leaving it open to the petitioners to seek remedy against the persons, who are trying to interfere with their possession over the subject property, before the Civil Court.

No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

July 10, 2017
KTL

RAJA ELANGO, J