THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2191 of 2018

ORDER:

In this Writ Petition, grievance of the petitioner is as to the inaction of the second respondent – Panchayat Secretary, Turkayamzal, Abdullapurmet, Ranga Reddy District, in considering the representation/complaint submitted by him on 06.01.2018 pertaining to the constructions being made by respondents 3 and 4.

As can be seen from the representation, dated 06.01.2018, at the first instance, the petitioner never made any effort to approach the respondent authorities with a request to ascertain whether any permission for construction has been granted to respondents 3 and 4 or not. The petitioner had fairly mentioned about pendency of various litigations before the civil Court. This indicates that there is a rival claim with respect to the title over the property and the petitioner already approached the civil Court agitating his rights. In those circumstances, nothing prevents the petitioner to seek appropriate relief in the proceedings pending before the civil Court.

The present Writ Petition is filed only on an apprehension that respondents 3 and 4 have not obtained any permission for making construction. Though learned counsel for the petitioner

pleads that he is only seeking an innocuous prayer of issuance of a direction to the respondent authorities to act on his representation, this Court is not inclined to entertain such request for the reason that a large number of such cases are being filed before this Court virtually converting the High Court into Post Office, thereby, making the High Court a super supervisory authority over the acts of the officials. A citizen is expected to take steps to assert his rights in accordance with law. In the present case, when it is the allegation of the petitioner that respondents 3 and 4 have occupied his property, he has remedies available in the civil law, and even according to him, proceedings are pending before the civil Court. Virtually, seeking a direction from the High Court on the allegation that the respondent authorities have not granted any permission and construction is being made illegally is yet another method which is being used in filing the cases like this. Inasmuch as the citizen are expected to protect their rights and Article 226 of the Constitution of India being an extraordinary remedy, this Court is not inclined to pass orders in this writ petition without the petitioner first exhausting the remedies available to him under law.

In those circumstances, this Writ Petition is dismissed. However, it is made clear that this Court has not expressed any

opinion with respect to the right of the petitioner vis-à-vis the claims which he has against respondents 3 and 4.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

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CHALLA KODANDA RAM, J

25th JANUARY, 2018.

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