

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.2047 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Municipal Administration for respondent No.1, learned Government Pleader for Education for respondent No.5 and also by Sri N.Ashok Kumar, learned Standing Counsel, who offers to appear for respondent Nos.2 to 4 to say from oral instructions and perused the prayer in the writ petition with supporting affidavit and other material on record.

2. The prayer in the writ petition reads as follows:

“.....to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents 2 to 6 in constructing a wall across the premises of the Petitioner thereby infringing the easementary rights and restricting the ingress and egress of the Petitioner and her family members in using the bathroom and toilets situated on the other side of the premises, as illegal, arbitrary, violative of the Judgment and Decree dated 27.09.2011 passed in O.S.No.3064 of 2008 by the Learned II Junior Civil Judge, City Civil Court at Hyderabad and violative of the provisions of the Easementary Act, law of equity and violative of Articles 14, 21 & 300A of the Constitution of India and to pass such other order(s) as may be deemed fit and proper.”

3. Leave about what is the right of the writ petitioner to continue in the property covered by the plaint schedule in O.S.No.3064 of 2008 on the file of the II Junior Civil Judge, City Civil Court, Hyderabad,

that was decreed, on 27.09.2011 of not to evict except through due process of law by respondent No.5-sole defendant, in relation to 100 sq. yards, bounded by North: Compound wall; South: College building of the 5th respondent: East: Open space: and West: Road, the proposed construction shall not cover the said property covered by the decree as the respondents cannot interfere with that except through due process of law. However, the construction of compound wall shall go on, if it is not covering the said decree schedule of the suit supra.

4. With the above direction, the Writ Petition is disposed of.

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

25th January 2018

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Dr. B. SIVA SANKARA RAO, J

