

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

W.P. No. 77 of 2013

ORDER:-

This writ petition is filed to declare the inaction of the 2nd respondent in demolishing the shed constructed by the 3rd respondent in front of the petitioner's House bearing No. 17-101 pursuant to the notice dated 30.01.2012, as illegal and arbitrary.

The case of the petitioner is that on the complaint lodged by him that the 3rd respondent constructed a shed in front of his house, the 2nd respondent – Commissioner issued a Notice to the 3rd respondent dated 30.12.2011 directing both the parties to produce their respective title deeds; the petitioner produced his title deeds whereas the 3rd respondent has not produced any document; thereafter, the 2nd respondent issued the notice dated 30.01.2012 directing the 3rd respondent to demolish the shed within three days otherwise the same will be removed by the 2nd respondent; the petitioner's grievance is that so far the 2nd respondent has not taken any action pursuant to the notice dated 30.01.2012.

The 3rd respondent has filed counter affidavit stating that he is the owner of the subject property and he did not

receive any Notice or proceedings dated 30.01.2012 asking him to remove the shed constructed by him. A suit in O.S.No. 45 of 2012 on the file of the Court of Senior Civil Judge, Nagarkurnool, Mahaboobnagar District is pending between the petitioner, the third respondent and his brother.

Heard Sri V.Hanmantha Rao, learned counsel for the petitioner and Sri A.Sekhar Reddy, learned counsel for the 3rd respondent and perused the material on record.

As seen from the record, admittedly, there is a civil dispute pending between the petitioner and the unofficial respondent in O.S.No. 45 of 2012 in respect of the subject property before the competent Court of civil jurisdiction, therefore, the petitioner and the 3rd respondent have to work out their remedies in accordance with law.

As there are disputes between the petitioner and the 3rd respondent, and in that connection, O.S.No. 45 of 2012 is pending before the civil Court for adjudication, the writ petition is devoid of merit, and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

KONGARA VIJAYA LAKSHMI, J

04.12.2018
bcj