

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.30207 OF 2013

ORDER:

The petitioner prays for Mandamus declaring the action of respondents in interfering with the construction activity of petitioner carried on in terms of permission dated 11.07.2013 issued by 5th respondent on property bearing Plot Nos.9, 10, 11 and 31 in Sy.No.362 AA at Ward No.1 and Block No.30 at Kannojiguda, Alwal, Secunderabad, as illegal and arbitrary. The petitioner prays for a consequential direction to respondents not to interfere with the construction activity of petitioner undertaken on Plot Nos.9, 10, 11 and 31 in Sy.No.362 AA at Ward No.1 and Block No.30 at Kannojiguda, Alwal, Secunderabad.

The petitioner claims to have purchased the subject matter of writ petition through sale deeds dated 10.05.2013 bearing document Nos.2992/13 and 2993/213. The petitioner, it is alleged, had also obtained permission from respondent No.5 vide permission dated 11.07.2013. In the above premise, the case of petitioner is that respondent Nos.2 and 3 are interfering with the construction activity undertaken by petitioner on subject plots. Hence, the writ petition.

The 3rd respondent filed counter affidavit for himself and 2nd respondent. The Assistant Government Pleader places on record written instructions dated 21.12.2017.

Mr.A.Prabakar Rao, appearing for petitioner, contends that the respondents have no business to interfere with the construction

activity undertaken by the respondents on the subject plots. The stand taken in the counter affidavit is one of convenience and by accepting the stand taken in counter affidavit if this Court accepts the pleas of respondents, the same would be amounting to giving certificates to respondent Nos.2 and 3. He submits that the writ petition is required to be allowed restraining the respondents from interfering with the construction activity undertaken by petitioner on subject plots.

I have taken note of each one of the submissions addressed by learned counsel and *prima facie* a few commissions and omissions are required to be noted. In the counter affidavit filed by 3rd respondent, the 3rd respondent refers to Cr.No.755 of 2013 registered on the complaint filed by respondents 6 and 7. The 3rd respondent further states that after investigation, necessary steps will be taken and a report under Section 173 Cr.P.C will be filed before the Court having the jurisdiction. Briefly stated, the petitioner, when the above crime is under investigation, had approached this Court. The 3rd respondent refers to Cr.No.761 of 2013 under Sections 447, 427 and 506 IPC registered at the instance of petitioner. The husband of respondent No.6 is accused in Cr.No.761 of 2013. The reference to registration of two crimes in quick succession, one at the instance of petitioner and another at the instance of respondents 6 and 7, would clearly go to show that an offence, more particularly an offence cognizable under law had been brought to the notice of respondent No.3. As part of investigation, either the 3rd respondent or his subordinates going to

the place cannot and could not be treated as interference by respondents 2 and 3 either in the construction activity or permission in terms of which the activity is undertaken by the petitioner. Be that as it may, the written instructions dated 21.12.2017 further disclose that Cr.Nos.755 and 761 of 2013 have been referred as civil in nature.

In the considered view of this Court, the writ prayer is misconceived and the writ petition is, accordingly, dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

02nd January, 2018

Lrkm



S.V.BHATT, J