

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.16483 OF 2018

Dated:02.05.2018

Between:

Godishala Venkateshwarlu,
S/o. Ramulu,
Age: 49 years,
Occupation: Business,
R/o.15-8-32/1,
Ramannapet,
Warangal.

... Petitioner

And

State of Telangana repto. By the
Principal Secretary Revenue Department,
Secretariat, Hyderabad and others.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.16483 OF 2018****ORDER:**

Petitioner claims to have purchased petition schedule property in two Plots of land measuring 250 square yards each, comprising a compact block. Petitioner claims to be in possession and enjoyment of the subject property, applied for construction of building to the Great Municipal Corporation of Warangal and on grant of building permission to construct cellar, ground, first and second floors, petitioner commenced construction work. At this stage, alleging that respondent revenue authorities were trying to interfere with possession and construction, petitioner instituted O.S.No.03 of 2016, pending in the Court of II Additional Junior Civil Judge at Warangal. Petitioner also filed I.A.No.09 of 2017 to grant injunction against interference and construction of the building. The trial court, by order dated 26.08.2016, restrained the official respondents/defendants from interfering with the peaceful possession and enjoyment of the petitioner/plaintiff over the plaint schedule property till disposal of the main suit. However, liberty was granted to take necessary action, if the petitioner deviates permission and sanctioned plan while making construction. Thus, sufficient safeguards are already granted to the petitioner by the Civil Court and if there is non-compliance or disobedience

of the order passed by the trial court, petitioner must avail appropriate remedy as available in law. That being so, the present writ petition is instituted alleging that respondents are interfering with the possession and construction work of the petitioner over the petition schedule property.

3. In other words, the present writ petition is instituted ventilating the same grievance as ventilated before the trial court in the injunction suit filed by the petitioner. Two parallel proceedings including a suit in Civil Court and writ petition on the same subject matter is not maintainable. It cannot be said that petitioner is remediless for enforcing interlocutory orders passed by Civil Court and merely because, petitioner apprehends of disobedience of the interlocutory order or alleges that in violation of interlocutory order interfering with the possession and construction, petitioner cannot institute an independent writ petition on the same subject during the pendency of the suit instituted before the competent court.

4. Accordingly, this writ petition is dismissed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as consequence. There shall be no order as to costs.

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.16483 OF 2018

02nd MAY, 2018

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