

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.18174 OF 2018

ORDER:

Alleged illegal interference by the respondent authorities is under challenge in the present Writ Petition.

2. Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration, appearing for 1st respondent and Sri N.Praveen Kumar, learned Standing Counsel appearing for 2nd respondent-Municipality.

3. A perusal of the affidavit filed in support of the writ petition, in vivid terms, discloses that in respect of the subject property the petitioners herein instituted O.S.No.1 of 2015 on the file of III Additional District and Sessions Judge, Asifabad, against one Umar Miya Housing Building Co-operative Society and the 2nd respondent Municipality for the reliefs of declaration and permanent injunction. It is further stated that the respondent-Municipality remained *ex parte* in the said suit and the learned III Additional District Judge decreed the suit. It is further stated that thereafter the 2nd respondent filed an application under the provisions of Order IX Rule 13 of the Code of Civil Procedure, 1908, seeking to set aside the *ex parte* decree and the same was allowed and suit is restored to file. It is further clear from the writ affidavit that the suit is pending adjudication before the Additional District Judge, Mancherla and the suit stands posted to 08.06.2018 for cross-examination of P.W.2.

4. Since the petitioners have already instituted O.S.No.1 of 2015 and as the said suit is pending consideration before the Civil Court, this Court is not inclined to entertain the present Writ Petition. However, it is open for the petitioners to move an appropriate application, if no such application was moved earlier for necessary orders.

5. With the above observation, the Writ Petition stands disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUNE 05, 2018
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A.V.SESHA SAI, J



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Date: 05.06.2018

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