

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.40640 OF 2018

Date:14.11.2018

Between:

Nerella Kumara Swamy,
S/o. Venkatarajam, aged 56 years,
Occ: Agriculture, R/o.H.No.2-81,
Asifnagar Village of Karimnagar
Mandal, Karimnagar District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Panchayat Raj and
CAD Department, Secretariat, Hyderabad
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.40640 OF 2018****ORDER:**

Heard.

2. Petitioner claims to be the owner of land to an extent of Ac.1.00 in Survey No.259/A in Asifnagar Village of Kothapalli Mandal, Karimnagar District. Petitioner's grievance is that the unofficial respondents are undertaking construction by encroaching into his land. The averments made in the affidavit filed in support of the Writ Petition would show that petitioner filed O.S.No.198 of 2016 pending in the Court of the Principal Junior Civil Judge, Karimnagar, praying to grant injunction restraining the unofficial respondents from interfering with the possession and enjoyment of his suit land. It appears that unofficial respondents also filed O.S.No.232 of 2016, which is also pending in the same Court praying to grant declaration of title and recovery of possession. It appears, no interlocutory orders were passed by the trial Court. Though petitioner now alleges illegal construction by the unofficial respondents, no steps are shown to have been taken in the litigation pending between the parties on the alleged encroachment by unofficial respondents and thereupon construction undertaken by them.

3. Since two suits are pending before the trial Court on rival claims and injunction application is still pending, this Court is not inclined to entertain the Writ Petition filed under Article 226 of the Constitution of India.

4. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out his remedies as available in law. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:14.11.2018

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