

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42222 OF 2018

DATED :20.12.2018

Between :

Smt.Addepally Achyuta W/o.Sri A.N.V. Kondala Rao,
Aged 67 yrs, Occu : Housewife,
R/o.H.No.4-2-17, Kuchimanchi Vari Agraharam,
Amalapuram, East Godavari, District & others.

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Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Panchayat Raj & Rural Development Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned Government Pleader for Panchayat Raj & Rural Development for respondents.

2. Petitioners claim to be the owners of different extents of lands in Sy.No.13/AA, Bandalguda Jagir Village, Gandipet Mandal, Ranga Reddy District. Petitioners contend that they dispute the claim of 6th respondent on ownership on the same extents of properties claimed to have been owned by them. Petitioners instituted O.S.No.1459 of 2017 pending on the file of II Additional District Judge, Ranga Reddy District, praying to declare the cancellation deeds bearing Nos.2223/2002, 2224/2002, 2225/2002, 2226/2002 and 2227/2002 dated 18.03.2002 before the Joint Sub-Registrar, Office of the District Registrar, Ranga Reddy District, as null and void and not binding on the plaintiffs; and to declare the consequential sale deeds executed by defendant No.1 and defendant Nos.3 and 4 and subsequent documents executed *inter se* between the defendants, as void and not binding on the plaintiffs; to grant perpetual injunction from alienating the suit schedule A to E properties.

3. In this writ petition, petitioners allege that the 6th respondent is undertaking construction of building on the very same land, though he is a party to the pending suit and he could not have undertaken construction activity during pendency of the suit. They also contend that construction

activity is going on without proper permission. Petitioners contend that on 13.11.2018, a representation was submitted to the Secretary of the Bandlaguda Jagir Grampanchayat, requesting to take appropriate action against the 6th respondent for raising illegal construction. Alleging inaction on the said representation, this writ petition is filed.

4. As briefly noted above, there appears to be *inter se* disputes between the petitioners and 6th respondent and petitioners are primarily aggrieved by cancellation deeds made in the year 2002 and consequential sale transactions that took place after the cancellation deeds, when the same is pending consideration of the civil Court.

5. Thus, if petitioners have grievance regarding unauthorized/illegal construction by the 6th respondent on the disputed properties, they ought to have filed appropriate application seeking indulgence of the trial Court for consideration and passing of interlocutory orders as may be warranted by law. Having filed a civil suit, petitioners cannot simultaneously prosecute the writ petition under Article 226 of the Constitution of India, on the same subject properties, with reference to alleged illegal construction.

6. Since petitioners have already availed the civil law remedy, this Court is not inclined to grant the relief as sought for by the petitioners in this writ petition.

7. Thus, leaving it open to the petitioners to seek appropriate relief as permissible in law, the Writ Petition is dismissed.

Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

20th December, 2018
Rds

