

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.43267 OF 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Corporation and Urban Development and learned Standing Counsel for GHMC.

2. The present writ petition came to be filed seeking issuance of writ of *Mandamus* declaring the action of respondent Nos.2 to 4 in not considering the representation made by the petitioner dated 20.11.2018 seeking not to grant any permission with regard to the property bearing Survey No.104 to 115 to an extent of Ac.120.16 gnts. situated at Puppallaguda Village, Rajendranagar Mandal, Ranga Reddy District and also requested to cancel the permission and demolish the illegal structure raised by the land grabbers/third parties, is illegal and arbitrary.

3. It is the case of the petitioner that he along with other family members became the owners and possessors of the land referred to above, by virtue of a final decree passed in I.A.No.5 of 2018 in O.S.No.1471 of 2013. While things stood thus, on coming to know that the respondents have granted permissions to the third parties for making construction in the said land, he made an application on 20.11.2018, objecting to grant of any permission to the third parties, from any construction being made in the said property. It is the grievance of the petitioner that though the representation was made on 20.11.2018, till date the same has not been considered by the respondents. Hence, the present writ petition came to be filed.

4. It is to be noted here that the petitioner never stated in the affidavit or in his representation, as to whether any application is made by the third parties seeking permission for raising construction in respect of the property in Survey No.104 to 105 to the extent of Ac.120.16 guntas situated at Puppallaguda Village, Rajendranagar Mandal. It may be true that the

petitioner was successful in the civil suit, but alternative remedy is available to the petitioner to approach appropriate Court seeking injunction against the third parties over the subject property, instead of approaching this Court questioning the inaction of the respondents in considering his representation.

5. In view of the above circumstances and since the petitioner claims to be successful in the civil case, it is always open to the petitioner take appropriate remedy before the appropriate Court, if any encroachments are made in the land.

6. Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

Date: 29.11.2018.
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C. PRAVEEN KUMAR, J

