

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44534 OF 2018

DATED :10.12.2018

Between :

Jampala Sujatha, W/o.Rajasekhar Reddy,
Aged 44 yrs, R/o.Road No.70,
A112, Journalist Colony, Banjara Hills,
Hyderabad, Telangana State & another.

..

Petitioners

And

The State of Andhra Pradesh,
Rep., by the District Collector,
YSR Kadapa District,
Kadapa, A.P. & others.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44534 OF 2018

ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondent No.1, learned Government Pleader for Home for respondent No.3 and Sri G.Seshadri, learned Standing counsel for respondent No.2.

2. First petitioner claims to be the owner of land to an extent of Ac.0-77 cents out of Ac.0-93 cents in Sy.No.261 of Gopavaram Gram Panchayat of Proddatur Village Fields, Kadapa District. The 2nd petitioner is the son of first petitioner. Petitioners allege that the 4th respondent is making illegal construction by encroaching into the land of petitioners and has not even obtained building permission to make such construction.

3. The averments in the writ affidavit would disclose that petitioners filed O.S.No.179 of 2018 pending in the Court of Principal Junior Civil Judge, Proddatur, Kadapa District, seeking permanent injunction against the 4th respondent. It appears, interlocutory application is also filed seeking temporary injunction and the same is pending.

4. At this stage and even before the injunction application is considered, this writ petition is filed alleging that the 4th respondent is undertaking construction illegally.

5. Since there appears to be a civil dispute pending between the petitioner and 4th respondent, and a suit is already instituted, the issue that is agitated in the instant writ petition can also be agitated in the pending suit and seek appropriate

relief as can be granted by the competent Court in the pending suit.

6. In view of the same, this Court is not inclined to entertain the writ petition, since the proceedings before the Civil Court are pending.

7. Writ Petition is accordingly dismissed, leaving it open to the petitioners to work out their remedies as available, in the pending suit. Pending miscellaneous petitions shall stand closed.

10th December, 2018
Rds

P.NAVEEN RAO,J

