

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1697 of 2019

ORDER:

Heard.

2. Petitioner claims to be the owner and possessor of premises bearing H.No.16-6-148, Osmanpura, Chaderghat, Hyderabad. According to him, the 4th respondent in the writ petition is his neighbour and owner of premises bearing H.No.16-6-149 and there is a small passage in between his house and the house of the 4th respondent. Petitioner now alleges that the 4th respondent is making unauthorized construction projecting towards the passage and thereby causing serious inconvenience to the petitioner as well as the locality people. According to the petitioner, he instituted O.S.No.1315 of 2017 in the Court of XIX Junior Civil Judge, City Civil Court at Hyderabad, praying to grant perpetual injunction. He also filed I.A.No.183 of 2017 in the said suit for appointment of Advocate Commissioner to note down the physical features and the same was dismissed on 21.07.2017. As against the same, the petitioner filed Civil Revision Petition No.4418 of 2017 and the same is pending before this Court. At this stage, alleging that the illegal and unauthorized construction made by the 4th respondent was causing inconvenience to him, the petitioner filed complaints on 06.11.2018 and 24.11.2018 before the municipal authorities. Alleging inaction on the said complaints, this writ petition is filed.

3. As noted above, there appears to be *inter se* civil dispute pending between the petitioner and the 4th respondent. The issue agitated in this writ petition i.e. constructions on his house by the

4th respondent projecting towards the passage effecting the easement rights of the petitioner can as well be agitated in the pending civil suit. Since a civil suit is already pending on the very same issue, this Court is not inclined to entertain the writ petition.

4. Leaving it open to the petitioner to prosecute the pending civil suit for redressal of his grievance, this writ petition is dismissed.

Miscellaneous Petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

6th June, 2019.
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P.NAVEEN RAO, J

