

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.5353 OF 2019

ORDER:

The case of the petitioner is that she purchased the subject plot under a registered sale deed and has been in peaceful possession and enjoyment, but the private respondent No.4, encroached the subject plot and made construction without any permission from the municipal authorities, and that though she made representation dated 20.02.2019, to the 2nd respondent – Greater Warangal Municipal Corporation, Warangal, represented by its Commissioner, against the illegal construction, no action has been taken, and hence the present writ petition.

Heard the learned counsel for the petitioner, Government Pleader for Municipal Administration for 1st respondent and Smt. P.Lakshmi, Standing Counsel for respondents 2 and 3.

The above allegation of the petitioner against private respondent No.4 clearly shows that it is a civil dispute, which she has to agitate before a competent civil court. In fact a perusal of the copy of representation of the petitioner dated 20.02.2019 made to the 2nd respondent discloses that a civil dispute is pending between the parties. Having availed the said remedy, invoking the writ jurisdiction, and seeking to rope in official respondents, to settle her dispute with private respondent No.4, is a clear abuse of process of law, and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. The petitioner shall workout the remedies against the 4th respondent in the civil dispute pending before the Civil Court.

Interlocutory applications pending, if any, shall stand closed.

No order as to costs.

CHALLA KODANDA RAM, J

14-03-2019
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