

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.5982 OF 2019

Date: 22.03.2019

Between:

Undinti Rajaveeru, s/o. late Venkataramulu,
Aged 68 years, Occu: Retired Employee,
R/o.H.no.1-7-400/1, Revenue Colony,
Subedari, Hanamkonda, Warangal district.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Energy Department, Secretariat, Hyderabad
and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the owner of Ac.0.09 guntas of land in Manakondur village, Karimnagar District. Petitioner claims to have filed O.S.No.144 of 2008 praying to grant decree for declaration of title and permanent injunction against 5th respondent and others in the Court of Additional Senior Civil Judge, Karimnagar. Said suit was dismissed on 06.07.2015. Appeal Suit No.65 of 2015 filed by the petitioner was dismissed by the Court of Principal District Judge, Karimnagar on 09.06.2017. Aggrieved thereby, petitioner preferred Second Appeal No.1018 of 2017 and the same is pending consideration of this Court. This Writ Petition is filed alleging that respondent Company is trying to lay electrical pole and giving connection to the 5th respondent through petitioner's land at Warangal Road, near ZPHS, Manakondur.

2. In the averments of the affidavit filed in support of the Writ Petition, the description of the property is not mentioned, but vaguely stated as 'at Warangal road, near ZPHS Manakondur'. On such vague description of the property, no relief can be granted. Further petitioner was unsuccessful before the trial Court and the 1st Appellate Court on the subject land, claiming as owned by him. Therefore, at this stage, petitioner cannot claim as owner of the property unless he succeeds in the Second Appeal, and the decision of the respondent-company in providing power supply to the 5th respondent utilizing the subject land cannot be declared as illegal and no relief as sought for can be granted. Writ Petition is accordingly dismissed. However, this order does not come in the

way of petitioner prosecuting the pending Second Appeal, and is entitled to set up his claims as ventilated in this Writ Petition if he succeeds in the second appeal. Pending miscellaneous petitions shall stand dismissed.

JUSTICE P.NAVEEN RAO

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