

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.6202 OF 2019

ORDER

Alleging that private respondents 4 and 5 have encroached the open space of Mosque, which is in between house premises bearing H.Nos.1-4-112/2, 1-4-121/A & B, situated at New Town, Mahaboobnagar, Mahabubnagar District, and made illegal constructions, the petitioner has made number of representations, the latest being on 28.11.2017 to the 2nd respondent – Mahabubnagar Municipality, represented by its Commissioner, and as no action has been taken, the present writ petition is filed.

Heard the learned counsel for the petitioner and Sri N.Praveen Kumar, learned Standing Counsel for respondents 2 and 3.

As per the averments made in the affidavit filed in support of the writ petition, respondents 4 and 5 are no other than the brothers of the writ petitioner, and it is stated that there was a partition among the family members. Now the allegation of the petitioner is that respondents 4 and 5 have encroached and made illegal construction, obstructing the use of the land for parking of the vehicles at mosque during the time of Namaz and also obstructing the use of the encroached area by the petitioner, during functions in his house.

The above averments disclose that there is civil dispute between the petitioner and the private respondents 4 and 5, who are his brothers, with regard to ingress and egress to his house and to the mosque, which this court under the writ jurisdiction cannot render any finding, and the official respondents also cannot be roped in, to settle the scores between the private parties. To resolve such disputes, parties have to invoke the private law remedy.

Hence, having regard to the facts and circumstances of the case, without expressing any opinion on merits, writ petition is closed, leaving it open to the petitioner to work out his remedies before a competent civil court in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No costs.

CHALLA KODANDA RAM,J

DATE:26—03—2019

AVS