

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 11454 of 2019

Date : 17.6.2019

Between:

Syeda Badarunnisa w/o Mohammed Abdul Khader age 55 years
Occ household R/o 18-2-639/1 Jangamet Falaknuma Hyderabad
TS

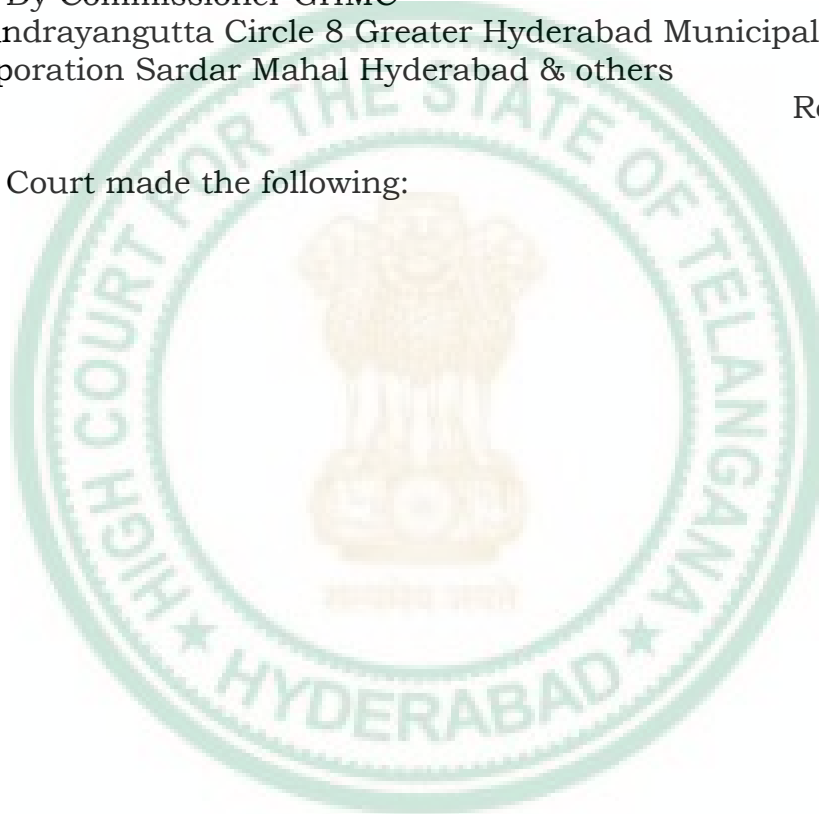
Petitioner

And

The Dy Commissioner GHMC
Chandrayangutta Circle 8 Greater Hyderabad Municipal
Corporation Sardar Mahal Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims to be the owner of house bearing No. 18-2-639/1 Jangamet Falaknuma Hyderabad. According to petitioner there is existing public road with 5.5 feet X 55 feet dimension on the southern side of his house. He alleges that the gate, window and door are opening into the said public road since 1975. Petitioner now alleges that Mr M A Garoor/4th respondent is constructing his house encroaching upon the public road forcing the petitioner to close his gate, window and door, affecting free passage. Petitioner stated to have submitted a complaint on 30.5.2019. Alleging inaction on the said complaint, this writ petition is filed.

2. When the matter is taken up, learned standing counsel for respondent GHMC, produced copies of gift settlement deed, sale deed in favour of 4th respondent and photographs to show the existing house and that no construction is being taken up and submitted that what is alleged by petitioner is not true. He has also placed copy of I.A. No. 776 of 2019 in O.S. No. 1291 of 2019 pending on the file of the VIII Junior Civil Judge, City Civil Courts, Hyderabad and contended that on the same issue petitioner has already instituted a suit, the same is pending and therefore writ petition is not maintainable.

3. Learned counsel for petitioner did not dispute the fact about instituting suit and further submits that in I. A No. 776 of 2019 injunction was granted on 12.6.2019 and fairly submits that so far 4th respondent has not taken up the construction but attempting to close

the existing road. If that is so, it is only an apprehension. Further, though learned standing counsel denies the allegation that there exists a public road, Court is not entering into the said dispute as petitioner has already filed suit on the same issue and is pending consideration by the competent Court. Therefore, the writ petition is dismissed leaving it open to the petitioner to prosecute the pending suit in O.S No. 1291 of 2019 on the file of the VIII Junior Civil Judge, City Civil Courts, Hyderabad. Miscellaneous petitions, if any pending, are closed.

DATE: 17-6-2019
TVK

P NAVEEN RAO,J



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