

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 11558 of 2019

Date : 14.6.2019

Between:

Praveen Singh Malik S/o Sri late Sukhlal Singh
Aged about 46 years Occ Business R/o H NO 149652/ 1
Jumera Bazar Hyderabad

Petitioner

And

The State of Telangana
Represented by its Principal Secretary MA and UD
Department Secretariat Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims to be owner and in occupation of property bearing house No. 14-9-806 admeasuring 590 sq yards, Goshagath, near Jumera Bazar, Hyderabad, having purchased the same in the year 2010. Petitioner alleges that respondents 5 to 7 who are neighbors of the petitioner on northern side of his property bearing house no. 14-9-803 to 805 have encroached into his property over an extent of 147.5 sq yards and illegally erected a gate over the said property without any sanction plan. Petitioner instituted O S No.2806 of 2018 on the file of XX Junior Civil Judge, City Civil Court, Hyderabad praying to grant temporary injunction restraining defendants not to proceed with any construction over the subject property including making obstruction of the passage of the plaintiff and to grant mandatory injunction directing the defendants to remove the illegal construction including the gate over the subject premises. In the suit, petitioner also filed interlocutory application for grant of injunction and the same is pending. Petitioner now alleges that respondents 5 to 7 are intending to induct third party to the property encroached and illegally grabbed. On 10.12.2018 petitioner submitted representation to GHMC alleging that unofficial respondents are undertaking illegal construction by erecting shutter and gate blocking and obstructing his passage to disturb the peaceful atmosphere and harass the petitioner. On 8.6.2019 petitioner made fresh representation making same allegations as reflected in the affidavit filed in support of the writ petition and the plaint in the suit and also informed the authority that as no action was taken on his complaint dated

10.12.2018, he filed O S No.2806 of 2018. Alleging that no action is taken even though representation was made on 8.6.2019 this writ petition is filed.

2. From the material on record, two things are noticed. Firstly, apparently there is interse dispute between petitioner and unofficial respondents on the same issue agitated in the present writ petition and O S No.2806 of 2018 is pending on the file of XX Junior Civil Judge, City Civil Court, Hyderabad. Further, the representation dated 8.6.2019 was dispatched on the same day, but even before the said representation is received by the authorities, the present writ petition is filed.

3. Having regard to the these facts and since petitioner has already availed the civil law remedy and instituted O S No.2806 of 2018 which is pending on the file of XX Junior Civil Judge, City Civil Court, Hyderabad, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed, leaving it open to the petitioner to prosecute the pending suit. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 14-6-2019
TVK

P NAVEEN RAO,J

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