

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.13669 OF 2019

Date: 5.7.2019

Between:

J.Vishwanath Goud

.. Petitioner

And

State of Telangana, rep. by its Principal Secretary,
Municipal Administration and Urban
Development Department,
Secretariat, Hyderabad and others.

.. Respondents

The Court made the following:



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ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Respondents 1 and 4 and perused material available on record.

2. Petitioner claims to be owner and possessor of land and building bearing Municipal No.7-1-413/2 admeasuring 483 sq.yards situated at Ameerpet, Hyderabad. Petitioner constructed the building after obtaining building permission dated 29.3.1994. According to the petitioner, an open space admeasuring 15 feet on the eastern side was kept for parking purpose of inmates of the building and the same was also mentioned in the registered document No.2109/81 and GHMC building permission. In the year 1995, petitioner sold four shops in the ground floor and open space was meant for common parking area. Petitioner contends that in spite of clear documentation in his favour, Respondent authorities tried to interfere with the said common parking area, therefore he filed O.S.No.1946 of 2014 before the II Senior Civil Judge, City Civil Court, Hyderabad and the learned Judge granted decree dated 27.12.2018 in his favour, restraining the defendants therein from interfering with the suit common parking area referred to as open space in the suit B, C and D schedule eastern boundary.

3. This writ petition is filed stating that the Respondents, particularly Respondent No.4 is trying to lay road on the petitioner's land. By placing reliance on the decree granted by the trial Court, the learned counsel for petitioner sought to contend that it is a private property belonging to the petitioner, therefore road cannot be laid on petitioner's land. On the specific question posed that in the building permission

granted by GHMC whether this area is specifically earmarked for parking area, learned counsel failed to answer in the affirmative. It is suffice to note that the said area is a public road. Though the learned counsel sought to contend that for several years, petitioner has been using the said space as parking area for the inmates of the building and if a road is laid, they will be deprived of parking area, merely because petitioner is using the said area for several years, no right will accrue to him. In the larger interest, proper road has to be laid. Therefore, there is no merit in the contention of the learned counsel for petitioner and the writ petition is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed.

Date: 5.7.2019
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P. NAVEEN RAO, J

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