

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITIOIN No.15593 of 2019

ORDER:

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. Petitioner claims that she became the owner and in possession of plot No.1, admeasuring 212 square yard in Sy.No.187 (part), situated at Mazidbanda, Kondapur village, Serlingampally. Earlier she applied for building permission and permission was granted, but she could not construct the building. In the meantime, as the unofficial respondent was interfering with her peaceful possession and enjoyment of the said property, the petitioner instituted O.S. No.913 of 2015 in the Court of the II Additional Senior Civil Judge, Ranga Reddy District. The suit was decreed on 10.04.2019. The petitioner is declared as the owner of the suit schedule property and granted perpetual injunction in favour of the petitioner restraining the 4th respondent and his men from interfering with the possession and enjoyment of the petitioner over the suit schedule property. The petitioner now alleged that in spite of the decree being granted to her, the unofficial respondent with his men and due to having high influence in the locality, undertaking construction of compound wall. In spite of filing complaint to the Municipal Corporation, no action is taken. The petitioner also contends that complaint is also filed with the police and police are also not coming to the rescue of the petitioner. In other words according to the petitioner the unofficial

respondent is no way concerned with the subject property and he is constructing the compound wall illegally and hence, the same is to be removed by the Municipal Corporation.

3. Learned Standing Counsel for respondents 2 and 3, on instruction, would submit that no building permission was obtained and also no permission was obtained for construction of the compound wall.

4. The prayer sought in the present writ petition is, not acting on the representation of the petitioner against the illegal construction. It is not clear from the material averments, whether any appeal was preferred by the unofficial respondent against the decree granted in favour of the petitioner and whether the appellate Court granted any injunction against the decree. Subject to ascertaining of filing of appeal and orders that might have been passed, it is open to the petitioner to file appropriate application seeking enforcement of the decree granted in her favour including obtaining of police protection.

5. Leaving it open to the petitioner to seek enforcement of the decree granted in her favour and also police protection for protecting the property, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending, shall stand dismissed.

P. NAVEEN RAO, J

July 25, 2019

KTL