

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.17966 OF 2019

ORDER:

Heard Sri Srinivasa Murthy Cheedella, learned counsel for petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and learned Standing Counsel for GHMC appearing for respondent Nos.2 to 4.

2. The petitioner herein claims to be the owner and in possession of House bearing No.8-1-284/OU/569/1 of O.U. Colony, Shaikpet, Hyderabad. According to the petitioner, the said house property falls in Survey Nos.320/1/A, 320/1/AA, 320/2, 324 and 326/1 & 2 of Shaikpet Village and Mandal, Hyderabad District. The petitioner now alleges that respondent No.5 applied for grant of final layout for the land in Survey No.327/Paiki (Old) corresponding to New Survey Nos.602 and 605 correlating to Block 'C' and T.S. No.10 in Block 'G' of Ward No.13, admeasuring Acs.30.00 of Shaikpet Village of Hyderabad District. In fact, there exists no such survey number and respondent No.5 was unsuccessful in O.S. No.1145 of 2003 in the Court of VIII Junior Civil Judge, City Civil Court, Hyderabad, affirmed in A.S. No.335 of 2008 by the first appellate Court. The Second Appeal No.596 of 2011 is pending consideration by this Court. In S.A.M.P. No.1358 of 2011, this Court ordered *status quo*. He further alleges that in violation of the *status quo* order granted by this Court, respondent No.5 is undertaking development

activity and trying to obtain final layout. According to the petitioner, though he is no way concerned with the land in Survey No.327/*Paiki*, but there is no such survey number in existence; the petitioner is concerned with the land in Survey Nos.320/1/A, 320/1/AA, 320/2, 324 and 326/1 & 2 of Shaikpet Village and Mandal, Hyderabad District. According to petitioner in the guise of obtaining layout permission in Survey No.327/*Paiki*, respondent No.5 is trying to encroach into the property of the petitioner and others.

3. There are two aspects involved in this case. Firstly, it refers to alleged proposal to grant final layout by the Municipal Corporation, according to the petitioner, though Survey No.327/*Paiki* does not exist. Second aspect is with reference to the encroachment into the land of the petitioner in the guise of obtaining layout in a different survey number which, in fact, does not exist.

4. The petitioner filed objections before respondent Nos.1 to 4 opposing issuance of a final layout. So far final layout is not granted. Further, litigation is pending before this Court in respect of the subject matter. Even the learned Standing Counsel submits that according to the Municipal Corporation, Survey No.327/*Paiki* does not exist. Be that as it may, so far no orders are passed granting final lay out in favour of respondent No.5. Therefore, the cause to that extent is premature.

5. With reference to the aspect of encroachment into the land of the petitioner by respondent No.5 under the guise of developing the property in the adjacent survey numbers, the same is entirely different aspect and the petitioner has to work out his remedies against respondent No.5 as available in Law.

6. With the above observation, the Writ Petition is dismissed, at the admission stage itself. In the circumstances, there shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

August 22, 2019
Mgr

JUSTICE P. NAVEEN RAO,

