

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19947 of 2019

ORDER:

The grievance of the petitioner is with respect to non-consideration of his representation dated 08.02.2019, whereunder he alleged that some unknown persons have encroached his property and making constructions in spite of there being a *status quo* order granted by VII Additional Senior Civil Judge, Ranga Reddy, in I.A.No.107 of 2019 in O.S.No.254 of 2019.

Heard Sri Karunakar Reddy, learned counsel for the petitioner, and Sri Chatla Madhu, learned Government Pleader for Municipalities.

Sri Chatla Madhu, learned Government Pleader, opposes the writ petition and submits that the petitioner having approached the Civil Court and obtained a *status quo* order, cannot file a writ petition to enforce the order passed by the Civil Court.

Having considered the respective submissions, even if the allegation of petitioner that respondents 5 and 6 have encroached his land and making constructions is assumed to be true, such an action would only amount to trespass. Be that as it may. Inasmuch as the petitioner approached Civil Court by filing O.S.No.254 of 2019 and as there is a *status quo* order passed in I.A.No.107 of 2019, in case there is any violation committed by the defendants with respect to the orders passed by the Civil Court, the petitioner has an efficacious remedy under Order 39 Rule 2A of the Code of Civil Procedure, for enforcing the orders of the Civil Court.

In those circumstances, the writ petition being not a proper remedy, the writ petition is closed, however, giving liberty to the petitioner to pursue appropriate remedy available under law. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

16th September, 2019
KSM

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