

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25692 OF 2019

Date: 21.11.2019

Between:

Mohammad Ibrahim S/o.Mohammed Khaleel,
Aged about 27 yrs, Occu : Business,
R/o.H.No.18-13-7/A/28/5, Hashamabad,
Chandrayangutta, Hyderabad

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondents 1 to 3, Sri Pasham Krishna Reddy, learned Standing counsel for respondents 4 and 5 and learned Government Pleader for Home, for respondent No.6.

2. Petitioner claims to be the owner and in possession of house bearing No.18-13-7/A/28/5, admeasuring 150 Square yards, Hashamabad, Chandrayangutta, Hyderabad, having obtained the same, under registered Gift Settlement Deed dated 11.09.2018, obtained electricity connection and paid consumption charges regularly. Petitioner alleges that when he was making internal minor repairs on 21.09.2018, the 3rd respondent and some others objected the work stating that the said house is located in government land. Questioning the high handed action of 3rd parties, petitioner lodged complaint with the police, which is registered as Crime No.305 of 2018. Petitioner also instituted O.S.No.2672 of 2018 against the Tahsildar, pending in the Court of VIII Junior Civil Judge, City Civil Court, Hyderabad. In I.A.No.642 of 2018 the learned Judge directed maintenance of status-quo over the petition schedule property.

3. In this writ petition petitioner alleges that the respondent authorities are seeking to dispossess him from the above mentioned house, without initiating any proceedings. Therefore, the same is illegal.

4. Learned counsel for the petitioner submits that inspite of injunction order granted by the trial Court, the respondent authorities are trying to dispossess the petitioner. According to learned counsel, the suit is filed against the revenue authorities, as they sought to claim the land as belonging to Government and to dispossess the petitioner.

5. However, from the averments in the affidavit, it appears that petitioner intend to undertake construction of house. If petitioner wants to undertake construction, he has to apply for building permission and on grant of permission only, construction activity can be undertaken. Further as the civil Court has already granted protection to the petitioner from interference by the Tahsildar, no independent proceedings on the same issue is maintainable and a litigant cannot prosecute simultaneously two cases on the same issue. If the Municipal Corporation is threatening to dispossess the petitioner, liberty is granted to him to implead the Municipal Corporation as a defendant in the pending suit.

6. Having regard to the above observations, the Writ Petition is disposed of. If petitioner is in possession and is dispossessed in violation of the orders passed by the trial Court, he is entitled to avail appropriate remedy. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

21st November, 2019
Rds