

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26942 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“declaring the inaction of the respondent authorities in taking action with regard to the illegal and unauthorized construction made by respondent Nos. 4 and 5 in the petitioner’s Plot No.1 (Part) and No.2 (Part) in Sy.No.438/P and 439/P situated at Budevle village under Rajendernagar Circle. R.R.District, inspite of the written complaints dt.12.11.2019 and 19.11.2019, as being illegal, arbitrary and unjust and consequently direct the respondent authorities to forthwith remove the illegal and unauthorized construction made by respondent Nos. 4 and 5 in the above mentioned plots.”

2. Heard the learned counsel for the petitioners and Sri N.Ashok Kumar, learned Standing Counsel for respondents 2 and 3.

3. When the matter is taken up for hearing, learned Standing Counsel for respondents 2 and 3 would submit that the unofficial respondent Nos.4 and 5 have already filed I.A.No.1132 of 2019 in O.S.No.2340 of 2019 on the file of VII Additional Senior Civil Judge, L.B.Nagar, Ranga Reddy District, for injunction and the Court below after issuing notice, passed injunction order on 26.09.2019 and the respondent Corporation had already filed counter in the said suit.

4. When the same is pointed out to the learned counsel for the petitioner, he would submit that the petitioner was not made as party to the aforesaid suit.

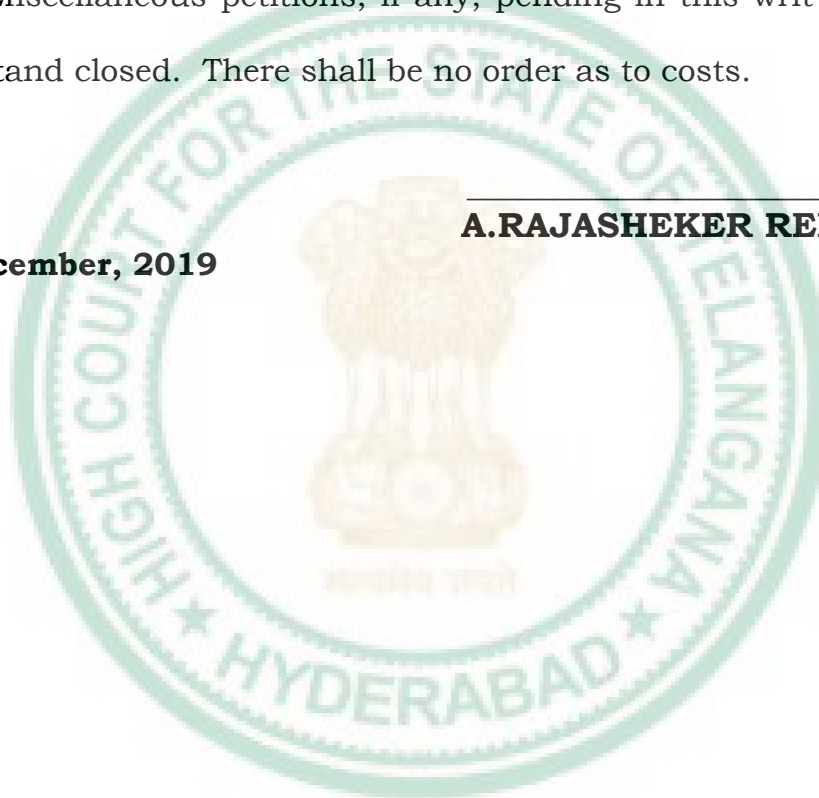
5. Having regard to the same and considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, it is open for the petitioner to implead himself in the aforesaid suit. Since the civil litigation is pending between the petitioner and unofficial respondents, it is open to the petitioner to agitate his rights in the pending suit.

6. With the above direction, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

5th December, 2019
YVL

A.RAJASHEKER REDDY, J



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Date:05.12.2019

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