

**HONOURABLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.272 of 2020**

**ORDER:**

The petitioner filed this writ petition challenging the action of the respondents in undertaking construction of compound wall over land in survey No.782 to an extent of Ac.8.72 gts situated at Kamareddy Town, Kamareddy District, when civil litigation is pending. The petitioner claims that a complaint was lodged on 01.11.2019 with the Kamareddy Municipality alleging that illegal construction activity is going on the land belonging to the petitioner. In the complaint itself the petitioner refers to the permission already granted but raised an objection that the said permission is illegal and requested the Commissioner to take action. Alleging that in spite of filing the complaint no action is taken, this writ petition is filed.

2. Learned counsel for the petitioner sought to draw the attention of this Court to the letter written by the Collector on 02.11.2019 to the Municipal Commissioner requesting him to look into the grievance of the petitioner ventilated about the illegal and unauthorized construction of compound wall.

3. From the narration of facts in the writ petition and complaint filed by the petitioner, it appears that the petitioner is seriously disputing competency of the private society in executing the gift deed in favour of the government and legality of the government constructing compound wall.

4. Learned Government Pleader for Higher Education submits that the subject land is in possession of the Government but the petitioner is never in possession and the Government is constructing the compound wall to protect the land.

5. Learned counsel for the petitioner submits that OS.No.1/2018 on the file of IX Additional District Judge, Kamareddy, is filed by the educational society claiming to grant decree of declaration of title and recovery of possession and the said suit is pending. She would submit that since a suit is already filed to grant decree of declaration of title and recovery of possession, the contention that the subject land is in possession of the petitioner is no more valid and the writ Court cannot express any opinion on these aspects.

6. The issue of possession, title and other aspects are disputes of civil nature and required to be contested before appropriate Court. Whether the title was validly vested in the Government and the Government is in possession cannot be gone into in the writ petition.

7. Looking into the averments in the writ petition affidavit and in the representation, it appears that building permission was obtained to construct compound wall and at this stage this Court is not inclined to grant relief of stalling the construction of compound wall. If the petitioner has grievance of some third parties undertaking construction of compound wall on the land belonging to the petitioner, the petitioner has to work out civil law remedies.

8. With these observations, this Writ Petition is dismissed by granting liberty to the petitioner to work out his remedies in accordance with law. No costs.

Miscellaneous petitions, if any, shall stand closed.

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**P. NAVEEN RAO, J**

Date: 09.01.2020  
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