

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4879 of 2020

ORDER :

Heard learned counsel for the petitioner as well as learned Standing counsel for the 3rd respondent Municipality.

The action of the 3rd respondent Municipality in interfering with the peaceful possession and enjoyment of the petitioner over his property bearing H.No. 6-6-56(new), Ravindranagar Colony, Nalgonda Town & District, at the behest of the 4th respondent, is questioned in this Writ Petition.

From the material placed on record, it is noticed, the 4th respondent, complaining about the constructions made by the petitioner, appeared to have filed Writ Petition No. 18374 of 2017, wherein this Court directed the respondent Municipal Commissioner to take action in accordance with law, if the constructions were made in deviation to the sanctioned plan or without permission. There is yet another factor which needs to be noticed is that the petitioner had filed O.S.No. 340 of 2017 on the file of the Junior Civil Judge's Court at Nalgonda seeking recovery of the suit schedule property by removing the unlawful structures alleged to have been made by the 4th respondent and the said suit is pending. The above facts would disclose that there is a dispute between the parties. So far as the issue relating to alleged encroachment of the 4th respondent into the subject property is concerned, the same is left open to be decided in the suit. As regards the subject issue is concerned, since this Court had already directed the Municipal Commissioner in Writ Petition No. 18374 of 2017 to take appropriate action in accordance with law,

if it is found that the petitioner herein is proceeding with construction without proper permission or in deviation of the permission granted, no order contra thereto need be passed in this Writ Petition. However, admittedly, since the petitioner was not served with any notice, making it clear that without issuing notice / calling for explanation and without considering the explanation that may be submitted pursuant to the notice, no interference shall be made with the possession and enjoyment of the petitioner over the subject property.

The Writ Petition is accordingly, closed. No costs.

The miscellaneous Applications, if any shall also stand closed.

CHALLA KODANDA RAM, J

04th March 2020

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