

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION No.499 of 2023

JUDGMENT:-

1. Heard Sri Itihas Gumma, learned counsel, representing Ms. Matcha Harika, learned counsel for the petitioners and learned Assistant Government Pleader for Municipal Administration for the respondent No.1 and Sri Suresh Kumar Reddy Kalava, learned Standing counsel for the respondent Nos.2 and 3.

2. From the pleadings in the writ petition as also the submission advanced by the learned counsel, it is evident that the petitioners initially filed O.S.No.255 of 2007 in the Court of Junior Civil Judge, Gajuwaka with respect to the same property for declaration of title against the respondent No.4 herein, which suit was dismissed, against which the petitioners filed Appeal No.38 of 2022 which is said to be pending in the Court of XIII Additional District Judge Court of Gajuwaka.

3. Learned counsel for the petitioners submits that during pendency of the appeal, the respondent No.4 has started unauthorized construction for which the petitioners have submitted a representation/complaint to the respondent No.3, upon which no action is being taken by respondent No.3.

4. In view of the admitted fact that the suit with respect to the same property was dismissed and the appeal against the decree is pending, this Court is not inclined to entertain the writ petition to run proceedings parallel to the pending appeal.

5. The writ petition is not the appropriate remedy which is accordingly dismissed leaving it open to the petitioners to avail such other remedy as may be available to them under law.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

Date: 05.01.2023
SCS

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