

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4668 of 2015

ORDER:

Heard the learned counsel for the petitioner and Mr. Surender Rao, learned standing counsel for the second respondent and the learned Government Pleader representing the respondents 1, 3 and 4.

Petitioner herein claims possession with regard to Ac.1.16 guntas in Sy.No.218 of 2011 of Kondapur village, Serilingampally Mandal, Ranga Reddy District. He has already obtained a decree for declaration and permanent injunction against the revenue authorities as well as the Hyderabad Urban Development Authority by decree dated 30.03.2010 passed by the IV Additional District Judge, Ranga Reddy in O.S.No.89 of 2005. In addition to that, petitioner had earlier there to approached this Court in W.A.No.1922 of 2004, which was disposed of on 02.12.2004 against the revenue authorities and Hyderabad Urban Development Authority, wherein there was a direction in his favour that petitioner's possession from any part of Sy.No.218 of 2011 of Kondapur village shall not be interfered with by the respondents therein. Thirdly, petitioner had earlier approached this Court in W.P.No.23090 of 2014 wherein the State of Telangana, District Collector, the Tahsildar, Serilingampally Mandal and Hyderabad Metropolitan Development Authority, Tarnaka were parties and based on the aforesaid orders, this Court had directed that pending further orders, the respondents shall abide by the orders in writ appeal and the suit referred to above. While all these orders are subsisting, petitioner now complains in this writ petition that respondents 3 and 4 are not providing any police protection

against the continued interference by the second respondent – HMDA. Whereas, learned standing counsel for HMDA states that they are claiming land in Sy.No.218/10 and not with respect to land in Sy.No.218/11. The second respondent is only trying to protect its land bearing Sy.No.218/10. It is also stated that the second respondent also filed appropriate counter and vacate stay petition in the pending writ petition.

Learned Government Pleader for Home has received instructions and states that there appears to be a dispute between the petitioner and the HMDA and though the petitioner had obtained a decree, he must obtain an appropriate order in execution from the civil Court and police cannot interfere with the civil dispute.

Evidently the petitioner's right as on today stands declared by the decree and their possession is protected by the decree and order in writ appeal as well as in the writ petition referred to above.

Hence, at the stage it is necessary for the respondents 1 to 4 to ensure that as long as the said order stands and is not modified or vacated, the petitioner's possession is not interfered with in respect to the land claimed in Sy.No.218/11. If there is any complaint received by respondents 3 and 4 from the petitioner regarding any illegal interference with regard to Sy.No.218/11 claimed by him, the police are duty bound to ensure that the orders of the Court are implemented on the ground and to ensure that the petitioner is not driven to another legal proceedings.

With the direction aforesaid, writ petition is disposed of. No order as to costs. The miscellaneous petitions, if any, pending in

this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date:03.03.2015

Rns.



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