

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.3340 of 2009

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the respondents in issuing the Resumption Notice dated 21.10.2008 published in newspapers on 26.11.2008 in respect of the petitioners' property in Bungalow No.201, situated at Tadbund, Trimulghery Mandal, Secunderabad, as illegal and arbitrary, and consequently set aside the Resumption Notice and further direct the respondents not to interfere in any manner with the ownership and possession of the petitioners' property.

Heard both sides and perused the material.

Learned counsel for the petitioners submits that the petitioners have been in possession of the subject property for the past 120 years and as such, the action of the respondents in issuing Resumption Notice is illegal and arbitrary, and as such, liable to be set aside. He further fairly submits that after filing of this writ petition, the petitioners preferred O.S.No.97 of 2009 before the City Civil Courts, Secunderabad and also filed I.A.No.1355 of 2009 seeking to restrain the respondents herein from interfering with the possession of the petitioners and also for declaration of title. The trial Court did not pass any order restraining the respondents from interfering with the possession of the petitioners, and as such, the petitioners preferred C.M.A.No.329 of 2010 before this Court. A Division Bench of this Court, vide order dated 22.04.2010, in C.M.A.M.P.No.890 of 2010 in C.M.A.No.329 of 2010, ordered that there shall be interim injunction.

In view of the facts and circumstances of the case and also in view of the pendency of the suit in O.S.No.97 of 2009 on the file of the City Civil Court, Secunderabad, for declaration of title, the respondents are directed not to interfere with the possession of the petitioners over the subject property, and the Resumption Notice dated 21.10.2008 is kept in abeyance till the disposal of the suit in O.S.No.97 of 2009.

The writ petition is accordingly disposed of. Consequently, the miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

20.04.2015

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