

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.22962 OF 2011

ORDER:

The present Writ Petition is filed by the petitioners seeking issuance of writ of Mandamus declaring the action of the respondents/authorities in causing interference and threatening to dispossess the petitioners from their lawful possession in respect of premises bearing H.No.4-244/5 in Sy.No.25 admeasuring 242 sq. yards situated at Tripuraram village and Mandal, Nalgonda District, without issuing any notice and without following the due process of law, as being illegal, arbitrary and constitutional.

The averments in the Writ Petition are as under :

Both the writ petitioners have purchased an open plot admeasuring 242 sq. yards in Sy.No.25 situated at Thripuraram village and Mandal, Nalgonda District by virtue of a regd. Sale deed bearing Doc.No.2508/2008 dated 31.10.2008 from Pathipati Venkataiah. Subsequently, they have obtained requisite permission from Gram Panchayat, Thripuram and constructed a residential house. The authorities allotted Door Number as D.No.4-244/5 and since then they are in peaceful possession and enjoyment of the property without any interruption. Their father Panthulu Nayak who was a

Sarpanch of Thripuram village gave shelter to 4th respondent who is a widow having three children on humanitarian grounds. Taking advantage of the same, she manipulated some documents and made a representation before the 3rd respondent claiming right over the property. In turn the 3rd respondent directed the S.H.O., Tripuram P.S., for an enquiry and after detailed enquiry it came to light that the said documents are fabricated. It is further stated that when the 4th respondent tried to interfere with the possession, the writ petitioners filed O.S.No.176 of 2011 on the file of Senior Civil Judge at Miryalaguda and obtained ad interim injunction in I.A. No.521 of 2011 in O.S. No.176 of 2011 restraining the 4th respondent from interfering with the possession and enjoyment over the subject property. It is stated that 4th respondent having failed in her attempts, got influenced the respondents 2 and 3, who in turn threatened the writ petitioners to vacate the house and handover the possession of the property to 4th respondent despite the injunction order being in force. It is further stated that respondents 2 and 3 without any authority and without perusing the court orders are interfering with their possession, without following the due process of law. Hence, the Writ Petition.

Heard learned counsel for the petitioners.

A perusal of the material placed before this Court would show that in respect of the very same dispute, the petitioners herein filed O.S. No.176 of 2011 on the file of the Senior Civil Judge at Miryalaguda against the 4th respondent herein seeking perpetual injunction. After hearing both sides, the learned Senior Civil Judge passed orders in I.A. 521 of 2011, restraining the 4th respondent from interfering with the possession and enjoyment of the petitioners over the subject property. That being the position, the relief which is sought for in the present petition cannot be granted. Since the dispute between the parties is already pending adjudication before a Civil Court and in view of the interim orders passed in favour of the Writ Petitioners, the question of respondents trying to dispossess the petitioners does not arise. However, having regard to the circumstances stated above, the respondents 1 to 3 shall not interfere with the property which is subject matter of dispute in this Writ Petition without following the due process of law.

With the above direction the Writ Petition is disposed of. No order as to costs. As a sequel to it, miscellaneous petitions pending, if any in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date: 21.07.2015
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