

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.21150 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue Writ of Mandamus declaring the action of the 2nd respondent in not granting injunction in favour of the petitioner pertaining to land in Sy.No.60/1 in an extent of Ac.15-23 guntas situated in Tandra village, Utnoor mandal, Adilabad District in pursuance of filing of case No.542/2015 on the file of the 2nd respondent as illegal, arbitrary and violation of principles of natural justice and also contrary to the provisions of Order 39 Rule 1 and 2 of C.P.C. and consequently direct the 2nd respondent to grant injunction in favour of the petitioner to the land in Sy.No.60/1 in an extent of Ac.15-23 guntas situated in Tandra village, Utnoor mandal, Adilabad District in pursuance of case No.542 of 2015 on the file of the 2nd respondent filed by the petitioner.”

Heard Sri Krishna Kishore Kovvuri, learned counsel for the petitioner and learned Government Pleader for Social Welfare for respondents.

According to the petitioner, his father namely Late Mohammed Hasim owned land, admeasuring Ac.15-23 guntas situated in Sy.No.60/1 of Tandra Village, Utnoor mandal, Adilabad district and he was given pattedar pass book and title deeds by the then Mandal Revenue Officer, Utnoor mandal for the said land vide patta No.172, dated 23-05-1995. It is further stated that even after demise of the father in the year 2001, his name is continuing as pattedar and possessor in respect of the said land in the revenue records

namely Adangals and pahanies. It is the further case of the petitioner herein that in view of the continuous interruption of the 3rd respondent, the petitioner filed case No.542 of 2015 on the file of the 2nd respondent – Project Officer, Integrated Tribal Development Agency and Additional Agent to Government, Uttoor, Adilabad District, seeking injunction against the 3rd respondent herein and his wife. Along with the said case the petitioner herein also filed an injunction application under the provisions of Order 39 Rule 1 of the Code of Civil Procedure, seeking interim injunction.

In the present writ petition it is the grievance of the petitioner herein that even though he filed the said case as long back as on 09-06-2015 no orders have been passed either on the main case or on the injunction application. It is also alleged in the writ affidavit that taking advantage of the said inaction of the 2nd respondent, the 3rd respondent is interfering with the agricultural activities of the petitioner herein.

The information available before this Court clearly demonstrates that the petitioner herein filed the main case bearing No.542 of 2015 on the file of the 2nd respondent herein as long back as on 09-06-2015 and along with the same the petitioner herein also moved an interlocutory application under the provisions of Order 39 Rule 1 of the Code of Civil Procedure for interim injunction to restrain the respondents from interfering with his peaceful possession and enjoyment in respect of the subject land. But so far no orders have been passed atleast on the interim injunction application.

In view of the above, this Court finds no justification on the part of the 2nd respondent herein in keeping the said application pending in view of the nature of controversy. Therefore, this Court is of the considered opinion that the ends of justice would be met if a direction is issued to the 2nd respondent to pass appropriate orders on the injunction application, dated 09-06-2015 filed by the petitioner herein in case No.542 of 2015 by fixing some time.

For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent herein – the Project Officer, Integrated Tribal Development Agency and Additional Agent to Government, Utnoor, Adilabad District, to pass appropriate orders on the interim injunction application filed by the petitioner herein filed on 09-06-2015 in case No.542 of 2015 within a period of one month from the date of receipt of a copy of this order. Pending consideration of the same, the parties to the litigation shall maintain *status quo* as on today. The 2nd respondent herein shall also make an endeavor to dispose of the main case also, as expeditiously as possible. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

July 10, 2015

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