

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No.264 OF 2015

DATED: 01.04.2015

Between:

M/s.Happy Homes Agro Farms Limited

... Appellant

and

The Joint Collector-II, Ranga Reddy and others

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT APPEAL No.264 of 2015

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JUDGMENT: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This Writ Appeal is filed impugning the order and judgment of the learned Trial Judge dated 23.02.2011.

The writ petition was filed by the appellant for issuing a writ of certiorari and for quashing the order of the first respondent in Revision Petition No.D/4353/2008 dated 12.06.2010. The learned Trial Judge after inviting counter examined the dispute and found difficult to decide the disputed questions in writ jurisdiction. Hence, His Lordship has been pleased to dismiss the writ petition giving liberty to the writ petitioner to approach the civil Court.

We are told by the learned counsel for the appellant that the respondents have already approached the civil Court and as a matter of fact, number of civil proceedings have been initiated, in various Courts and resorted to multiplicity of judicial proceedings. In this situation, the appellant wants our intervention to see that all the proceedings may be decided by one Court. We feel that it is all the more necessary, the writ Court should not interfere with the matter. When the civil suit has been filed by the respondents on the same issue, it would be open for the appellant/writ petitioner to file a written statement therein, if not filed, and to make a counter-claim, if so advised. We also give liberty to the appellant to take steps for consolidated hearing by one Court having competency to decide the matter. Therefore, legal steps may be taken, if so advised. We make it clear that since the matter is pending before this Court as far as the claim of the appellant/writ petitioner is concerned till today, obviously, the same shall be considered while deciding the question of limitation, if raised by the respondents before the civil Court. It would also be open for the appellant to pray for interim relief as regards the possession, if so advised.

With the above observations, we dispose of the appeal without passing final order.

Consequently, miscellaneous petitions, if any pending, shall stand closed. No order as to costs.

K.J. SENGUPTA, CJ

1st APRIL, 2015.

SANJAY KUMAR, J

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