

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39458 of 2015

-
04.12.2015

Between:

Sunkar Chinna Narsimloo

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.T.V.Kalyan Singh

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for respondent Nos.2 and 4: Assistant Government Pleader
for Revenue (TS)

Counsel for respondent No.3: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in trying to dispossess the petitioner from his land bearing municipal No.10-9-168 (corresponding to old municipal No. 10-9-887 to 889) situated at Varni X road, Nizamabad, contrary to the decree passed by the competent civil Court, as illegal and arbitrary.

From the pleadings of the petitioner, it is evident that he has filed O.S.No.34 of 1999 in the Court of the learned Principal Junior Civil Judge, Nizamabad, for permanent injunction restraining respondent Nos.2 to 3 from interfering with his possession of the suit schedule property, which is the subject matter of this writ petition as well, and by judgment and decree, dated 18.07.2002, the said suit was decreed granting permanent injunction as sought by the petitioner. The petitioner further averred that despite the said decree, the officials of respondent Nos.2 to 4 have measured his land on 30.11.2015 claiming that it belongs to the Government.

In my opinion, the writ petition is wholly misconceived as the petitioner has availed a wrong remedy, instead of approaching the Court, which has passed decree of permanent injunction, under Order XXI Rule 32 C.P.C. for execution of the decree. The jurisdiction under Article 226 of the Constitution of India cannot be allowed to be invoked for execution of the decree of a civil Court.

The Writ Petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.50891 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

04th December, 2015

GHN

