

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

Writ Petition No.20328 of 2012

Dated 30th July, 2015

Between:

Smt.Mujeebunissa Begum

...Petitioner

And

The Government of Andhra Pradesh, rep.by its Special Chief
Secretary, Forest Department, Secretariat, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri Raj Kumar Rudra

Counsel for the respondents: GP for Forests (TS)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in seeking to interfere with the petitioner's possession of land admeasuring Acs.4.00 in Survey No.409 of Zapthi Shivnoor Village, Shankarampet (R) Mandal, Medak District as illegal and arbitrary.

It is the pleaded case of the petitioner that when her possession was sought to be interfered with by respondent Nos.2 and 3, she along with her children has filed O.S.No.67 of 1998 in the Court of the learned Judicial Magistrate of First Class, Medak District for perpetual injunction restraining them from interfering with her possession of the suit schedule property and that by judgment and decree, dated 10.04.2002, the learned Magistrate has decreed the suit granting permanent injunction. In this writ petition, the petitioner averred that despite the said decree for injunction, respondent Nos.2 and 3 have

been interfering with her possession of the suit schedule property.

In my opinion, this writ petition is wholly misconceived for the reason that the petitioner has an efficacious remedy of filing an appropriate application before the Court which granted the decree for punishing the violators of the decree for disobedience or breach of injunction order under Order XXXIX Rule 2-A of Civil Procedure Code, 1908. The petitioner cannot convert the writ petition into an execution petition for implementation of the decree of a civil Court. Therefore, I am not inclined to adjudicate the writ petition on merits.

The writ petition is accordingly dismissed without dealing with the merits of the case, however, with liberty to the petitioner to avail the above-mentioned remedy.

As a sequel to dismissal of the writ petition, interim order, dated 05.07.2012, shall stand vacated and WP.M.P.No.26062 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

30th July, 2015
VGB