

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.M.P.No.38897 of 2016 and W.V.M.P.No.3736 of 2016

in

W.P.No.31445 of 2016

and

WRIT PETITION No.31445 of 2016

COMMON ORDER:

Heard Sri Pasham Krishna Reddy, learned counsel for petitioner, learned Government Pleader for Home appearing for respondent Nos.1 to 4 and Sri P.Sridhar Rao, learned counsel for respondent Nos.5 and 6.

2. Petitioner has filed this Writ Petition alleging that respondent Nos.1 to 4 have evicted the petitioner from the subject property by threatening the petitioner with gun and locked her out of the house.

3. Learned Government Pleader for Home appearing for respondent Nos.1 to 4 had denied the said allegation.

4. Respondent Nos.5 and 6 contended that the property in question belongs to them and that the petitioner is trying to knock away the subject property. It is also brought to the notice of the Court that O.S.No.2183 of 2016 has been filed by petitioner before the Principal Junior Civil Judge, City Civil Court, Hyderabad for injunction against the 6th respondent and the said suit is still pending.

5. This Court, on 16-09-2016, granted interim order directing respondent Nos.3 and 4 to open the lock which was alleged to be in

the custody of the police and directed the police not to interfere with the property.

6. Respondent Nos.5 and 6 have subsequently got impleaded in the Writ Petition and brought to the notice of the Court the fact that they are also claiming the property under a gift deed.

7. The contention of the parties indicates that both petitioner as well as respondent Nos.5 and 6 are claiming title on the basis of unregistered gift deeds and it is therefore not possible for this Court to decide which of them have a better title and which of them is in possession of the property.

8. In this view of the matter, this Court feels that it is appropriate to direct the parties to get their rights adjudicated in the competent Civil Court.

9. Therefore the order dt.16-09-2016 in W.P.M.P.No.38897 of 2016 in this Writ Petition is vacated and W.V.M.P.No.3736 of 2016 is allowed. The Writ Petition is disposed of directing the petitioner as well as respondent Nos.5 and 6 to get their rights adjudicated in respect of the subject property in a Civil Court. No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-09-2016

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