

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24162 of 2016

ORDER:

The case of the petitioner is that Respondents 2 to 4 have demolished the compound wall with gate in his land admeasuring 346.22 square yards in Survey No. 43 (old) situated at Waddepally Shivar, Hanamkonda Mandal, Warangal District though there is a judgment and decree dated 23.01.2015 in O.S. No. 866 of 1992 on the file of the Court of the III Additional Junior Civil Judge at Warangal restraining the defendants therein, who are Respondents 1 and 5 herein from interfering with his peaceful possession and enjoyment over the suit schedule property.

Heard learned counsel for the petitioner.

Learned Government Pleader for Revenue (Telangana), on the other hand, based on the written instructions secured from the 4th respondent Tahsildar, Hanamkonda Mandal, would submit that the revenue administration is not interfering with the possession of the petitioner, as alleged. He further submits that Survey No. 464(old) is the government land which was allotted to the Excise Department for construction of a guest house, as per the orders of the District Collector and it is the Excise Department, which is in possession of the said property.

A bare perusal of the judgment and decree dated 23.01.2015 rendered in O.S. No. 866 of 1992 would clearly show that the petitioner herein had obtained a decree for permanent injunction restraining Respondents 1 and 5 herein from interfering with his property. At the same time, the learned Government Pleader for Revenue would submit that the revenue officials are in no way connected to the alleged demolition.

Be that as it may, since the petitioner has already obtained the decree in O.S.No. 866 of 1992 against the officials of the Excise

Department, if at all he has any grievance, he is at liberty to approach the appropriate civil Court by way of Execution Petition seeking enforcement of the judgment and decree obtained in his favour.

With the above, the Writ Petition stands closed. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand closed.

CHALLA KODANDA RAM, J.

04th August 2016

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