

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WVMP.No.2382 of 2016 in WP.No.16482 of 2016

and

WP.No.16482 of 2016

ORDER :

Heard the counsel for petitioners; the learned Government Pleader for Home for respondent nos.1 to 3; and Sri O. Manohar Reddy, counsel for 6th respondent.

2. The petitioners' grievance is that respondent nos.2 to 5 are allegedly interfering with petitioners' possession of the subject property at the instance of 6th respondent.

3. The learned Government Pleader for Home, appearing for respondent nos.1 to 3, states that respondent nos.1 to 3 have not interfered with the alleged possession and enjoyment of petitioners over the subject property.

4. None appears for the Government Pleader for Revenue.

5. Be that as it may, even respondent nos.4 and 5 are not entitled to interfere with the alleged possession and enjoyment of petitioners over the subject property without following due process of law.

6. As regards the 6th respondent, admittedly, the 4th petitioner had filed O.S.No.158 of 2013 on the file of V Additional District Judge, Tirupathi against 6th respondent herein and others for partition of certain properties including the subject property, and admittedly the 4th petitioner has also filed I.A.No.212 of 2016 therein seeking temporary injunction under Order XXXIX Rules 1 and 2 Civil Procedure Code against 6th respondent.

7. Therefore, liberty is given to petitioners to pursue the said suit and the said I.A. in the said suit for appropriate relief against the 6th respondent.

8. Therefore, the Writ Petition is disposed of directing respondent nos.1 to 5 not to interfere with the alleged possession and enjoyment of petitioners over the subject property except in accordance with law; and the petitioners are directed to pursue the remedy against 6th respondent in O.S.No.158 of 2013 / I.A.No.212 of 2016 before the V Additional District Judge, Tirupathi. No order as to costs.

9. In view of the above orders, the interim order granted against 6th respondent on 19.05.2016 in WPMP.No.20345 of 2016 in WP.No.16482 of 2016 is vacated; and WVMP.No.2382 of 2016 is allowed.

10. It is made clear that this Court has not expressed

any opinion on the *inter se* claims of petitioner and also the 6th respondent.

11. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02-08-2016

Ndr/*