

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.16059 of 2016

ORDER:

The instant writ petition is filed for Mandamus in terms of the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus restraining the respondents, agents, henchmen or anybody claiming through them from interfering with the possession of the petitioner over the schedule property admeasuring Ac.5-00 in Sy.No.4(4/1) situated at Pukkiliwada Village, Rajendranagar Revenue Mandal, Old Serilingampally, R.R. District and to pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.”

As could be seen from the averments in the writ affidavit, a suit was originally instituted by the petitioner in O.S.(SR).No.8268 of 2016 on the file of the District Court, Ranga Reddy District, to declare him as the absolute owner and possessor of the suit schedule property and to grant permanent injunction in his favour against the defendants. He also filed I.A.(SR).No.8267 of 2016 seeking temporary injunction under Order 39 Rules 1 and 2 read with Section 151 C.P.C. It appears that for want of filing the proof of valuation obtained from the concerned

authority, the plaint was returned. The petitioner as well could resubmit the same by complying with the objections raised by the office of the District Court, Ranga Reddy District. Invoking writ jurisdiction cannot be a substitute for getting the relief which is sought in the interlocutory application filed in the suit.

In that view of the matter, it is directed that status quo obtaining as on today shall be maintained by both parties only till 10.05.2016 to enable the petitioner to re-present the suit and the interlocutory application, so as to seek the relief, in which event, the Civil Court to pass orders in accordance with law uninfluenced by the 'status quo' order granted herein.

Learned counsel for the petitioner states that he is not pressing the instant writ petition any further and the learned Government Pleader for Revenue also expressed no objection for disposal of the writ petition with the above directions.

The instant writ petition is accordingly disposed of with the above directions.

As a sequel thereto, miscellaneous applications, if any pending in the instant writ petition, stand closed.

JUSTICE A.SHANKAR NARAYANA