

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1884 OF 2016

ORDER

The prayer of the petitioner who appears as a party-in-person in this case is as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents is not considering as legal, I, therefore pray that this Hon'ble Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents is not considering with due respect to law and to compel the order of the decreed OS. 454/2010. Dt. 24 Jan 2013, by Hon'ble 3rd Senior Civil Judge Court at Sec-bad, T.S by respondent no 2 to 4 within 30 days from the date of this writ filing in the interest of natural justice and

I, further pray this Hon'ble court to review the decision of Respondent no 1's decision on accepting the 25 days delay condonation of respondent no 2 & 3, on 23/11/2015 without any tangible reasons as sufficient cause for delay etc.

I further pray this Hon'ble court to order concern Magistrate to investigate in the filed EA's no 399/2015 and 400/2015 as affidavits with oaths by the said respondent no 2 and 3 which are filled with perjury. (Annex P 4, 5 & 10) and file U/S. 191 IPC and 193 IPC. The perjury statements are available as specified in the (Ex.20) EP 441/2014 along with tangible evidence. Order the concern magistrate to enquiry in to my perjury complaint without any bias and violation of laws.

Its further prayed to direct the above respondent.1 i.e. Hon'ble 3rd Senior Civil Judge court at Secunderabad to peruse properly the filed documents in this case from in & out and follow the law which is enacted and also the guide lines of Hon'ble Apex court and Hon'ble National Commission in the illegal seizures of the movables also direct respondent no 1 to stop the misfeasance, by executing the warrant immediately .

Order concern Police authority to register a case U/S 379 IPC on respondent no 2 to 4 or under any other section/act/law on this wrongful detention saga.

Transfer the said EP 441/2014 case to any other court where Senior most Judges are available to solve 'various question of laws 'raised in this saga of 10 years in civil remedies only to release the usurped truck from the custody of the Bailor and Repo agent in which till day the 2 civil courts are failed to provide me relief & protect my rights under article 19.1.(g) despite of several petitions of mine because of gross negligence.

Orders the 3rd Additional Chief Judge to file a contempt of court case on respondent no 2 to 4 on account of usurp of movable in the duration of Op 771/2006 U/S 2(b)(c)(i)(ii) and (iii) in which I am/be the complainant and

Considering the above prayers in my Writ Petition for the eking lively hood vehicle release and enquiry on perjury in EP 441/14 and to pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case in the interest of the natural justice and jurisprudence of law.'

The petitioner secured a decree on 24.01.2013 in O.S.No.454 of 2010 on the file of the learned III Senior Civil Judge, City Civil Court, Secunderabad. The prayer of the petitioner appears to be directed against the manner in which the execution proceedings are being dealt with by the learned III Senior Civil Judge, City Civil Court, Secunderabad. Though the petitioner seeks a writ of mandamus to compel the executing Court to act upon the decree, this Court is of the opinion that a writ petition under Article 226 of the Constitution is not the remedy for securing such relief. In the event the petitioner/party-in-person has any grievance with regard to the manner in which the executing Court is dealing with his case, his remedy lies elsewhere and not by way of a writ petition.

Reserving liberty to the petitioner to take recourse to appropriate remedies in accordance with law, this writ petition is dismissed. Pending miscellaneous petitions shall also stand dismissed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

23rd FEBRUARY, 2016

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