

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 24375 OF 2016

DATED 28TH JULY, 2016

Between:

Dudam Rajesham

... Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad, and others

... Respondents

Counsel for the petitioner	:	Sri Nilesh Narania
Counsel for respondent No. 1	:	G.P. for Home (T.S.)
Counsel for respondent No. 2	:	G.P. for Revenue (T.S.)
Counsel for respondent Nos. 3 and 4	:	--
Counsel for the 5 th respondent	:	--

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

The petitioner, who claims to have purchased an extent of Ac. 9.22 guntas in survey No. 586/A of Bhongir, Nalgonda District, under various registered documents, filed this Writ Petition feeling aggrieved by the action of respondent Nos. 3 and 4, in seeking to dispossess him from the aforementioned property, on an erroneous premise that the extent of Ac. 7.17 guntas, in the aforementioned survey number, forms part of the land owned by the petitioner. He has filed O.S.No. 10 of 2015 against respondent No. 5 and five others *inter alia* for delivery of possession.

2. Learned counsel for the petitioner, at the hearing, submitted that as respondent No. 4 started interfering with his property, it was also impleaded in the suit. Be that as it may, the grievance of the petitioner in this Writ

Petition is that in pursuance of proceedings No. C2/3163/2016 dated 30-04-2016 of the District Magistrate, Nalgonda, ordering possession, in favour of respondent No. 4, of property admeasuring Ac. 7.17 guntas, respondent No. 4 is seeking to dispossess him from the land admeasuring Ac. 9.22 guntas in spite of order dated 20-03-2015, in I.A.No. 2 of 2015 in the suit filed by him, granting *status quo ante* by the V Additional District Judge, Bhongir.

3. After hearing learned counsel for the petitioner, we are of the opinion that the Writ Petition is wholly misconceived for the reason that the dispute, as projected by the petitioner, pertains to identity of the property and the same does not arise under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner having filed a suit against respondent No. 5 and has also claimed to have impleaded respondent No. 4, the issue of identity of the property could be conveniently adjudicated by the V Additional District Judge, Bhongir. It is neither possible nor appropriate for this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, to entertain a Writ Petition for adjudication of a disputed question of fact pertaining to identity of the land.

4. In this view of the matter, the Writ Petition is dismissed with liberty to the petitioner to pursue the pending civil suit or avail any other common law remedy if he feels that the present suit does not fully serve his interest.

5. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 30043 of 2016 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD,

J.

Date: 28-07-2016.

JSK