

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Appeal No.1240 of 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Appeal, under Clause 15 of the Letters Patent, is preferred by the 9th respondent in W.P.No.30040 of 2016 aggrieved by the order passed by the learned Single Judge dated 25.10.2016. The appellant herein is the sister of the writ petitioner who filed W.P.No.30040 of 2016 to declare the inaction of respondents 1 to 5 in not taking any legal action against respondents 6,7 and 9 and others, in collusion with respondent No.9(appellant herein), and in interfering with the ownership and possession over the house at Chelapura, Hyderabad, as arbitrary and illegal.

In the order under appeal the learned Single Judge, while noting that civil disputes were pending between the writ petitioner and the 9th respondent therein (appellant herein), directed the official respondents not to interfere with the affairs of the petitioner without registering any case against him. The learned Single Judge made it clear that the official respondents could proceed against the petitioner in accordance with law, if any case was registered against him for a cognisable offence.

While Sri P.Shashi Kiran, learned counsel for the appellant, would submit that the observations in the order under appeal, regarding the civil disputes pending between the appellant and the writ petitioner are now being construed as a declaration that the petitioner is the owner of the property, we find no such observations in the order under appeal. While we see no reason to interfere with the order under appeal, suffice it to make it clear that the Civil Court, before whom the civil disputes between the appellant and the writ petitioner are pending adjudication, shall decide the suit on its own merits uninfluenced by any observations made in the order under appeal.

The Writ Appeal stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

21st November 2016
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Date: 21.11.2016

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