

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.41534 OF 2016**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents in not taking necessary action for implementation of the *ex parte* ad-interim injunction order, dated 29.9.2016, in I.A.No.375 of 2016 in O.S.No.564 of 2016 passed by the XI Junior Civil Judge, City Civil Court at Secunderabad as illegal and arbitrary.

2. Heard and perused the material available on record.
3. Case of the petitioners is that they are the absolute owners and possessors of a triple storied house consisting of Ground + 2 upper floors together with servant quarters admeasuring about 8400 sq.ft. on land admeasuring about 894.31 sq.yards being Plot Nos.3 (Part) and 4 in the layout of Kausalya Cooperative Housing Society Limited covered under Survey Nos.58 and 59/1 of Kakaguda Village, Secunderabad and in peaceful enjoyment of the same; that they obtained a loan to a tune of Rs.1,80,00,000/- from R.V.Homes (India) Private Limited on 31.12.2012 and in turn, R.V.Homes (India) Private Limited, for securing the said loan, requested them to execute a deed of mortgage and on the pretext of execution of a mortgage deed, the said R.V.Homes (India) Private Limited fraudulently made them to execute an Agreement of Sale-cum-General Power of Attorney on 31.12.2012 in its favour and hence, they filed O.S.No.111 of 2016 on the file of the 27<sup>th</sup> Additional Chief Judge, City Civil Court, Secunderabad and the

same is pending; that while the matter stood thus, on 9.8.2016, two persons by name Suresh Agarwal and Rajesh Agarwal along with their associates and henchmen trespassed into their house and started abusing them in filthy language and also threatened them with dire consequences and also forcibly tried to dispossess them from the said house for which, they filed two complaints on 9.8.2016 and 17.9.2016 before respondent No.3 and as he did not take any action, they filed W.P.No.32284 of 2016 before this Court and this Court passed an order in W.P.M.P.No.39933 of 2016 directing the police to register First Information Report and investigate the same expeditiously and file a final report; that on 26.9.2016, one person by name Sudarshan Singh, who claims to be a recovery agent, tried to interfere with their peaceful possession and enjoyment of the property and also threatened to dispossess them. So, they filed O.S.No.564 of 2016 and obtained *ex parte* interim injunction order; that on 26.11.2016, the said Sudarshan Singh along with around 50 antisocial elements, which included women, barged into the premises of the petitioners and created chaos for which, the petitioners rushed to respondent No.3 and requested for assistance, but respondent No.3 remarked that the order of injunction is against one person and not against fifty persons. Hence, they filed the present writ petition.

4. Learned counsel for the petitioners informed this Court that as per the order passed by this Court in W.P.M.P.No.39933 of 2016 in W.P.No.32284 of 2016, respondent No.3 has registered a case against the persons who are interfering with the peaceful possession and enjoyment of the petitioners' house in question.

5. Recording the same, the Writ Petition is disposed of directing respondent No.3 to take appropriate action against the concerned whenever the petitioners make a complaint apprehending disturbance from any persons who are interfering with their peaceful possession and enjoyment of the house in question. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

**JUSTICE RAJA ELANGO**

5.12.2016  
AMD



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**Date: 5.12.2016**

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