

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.11105 of 2010

ORDER:

1. The petitioner is a Mutually Aided Co-operative Housing Society Limited and it claims that it owns the land admeasuring Ac.45.00 in Survey No.36 situated at Gopanapalle village, Serilingampally Mandal, Ranga Reddy District. They also state that Sy.No.36 was subsequently divided into various sub divisions and the members of the petitioner society purchased the plots after the said land was converted into a lay out. They further state that the Government issued G.O.Ms.No.850 dated 24.09.1991 assigning a part of the land in Sy.No.36 in favour of the 4th respondent and the petitioner filed W.P.No.21719 of 1997 challenging the said assignment in favour of the 4th respondent. The said writ petition was ultimately allowed along with another W.P.No.1731 of 2005 on 15.09.2009 and the G.O.Ms.No.850 dated 24.09.1991 was set aside. It is also the case of the petitioner that four members of the petitioner society filed O.S.No.12 of 2009 on the file of the I-Additional District Judge, Ranga Reddy District and a status quo order was operating in the said matter. It also appears that the W.P.No.18547 of 2008 filed by the petitioner society was pending before this Court in respect of the same land. However, the present writ petition was filed challenging the inaction of respondents 2 and 3 in taking action against the 4th respondent.

2. This Court by order dated 05.05.2010 granted interim direction with regard to the interference of the respondents in respect of the land in an extent of Ac.45.00 in Sy.No.36.

3. The aforesaid direction cannot be continued without deciding the rights of the parties. Now, when the writ petition was taken up for consideration, the learned Government Pleader for Home, on the basis of the instructions, submits that no case was registered against the 4th respondent on the basis of the complaint dated 28.04.2010 filed by the petitioner society since the dispute is a civil dispute.

4. At this stage, the learned Counsel for the petitioner submits that in view of the earlier assignment made in favour of the 4th respondent, respondents 1 to 3 are also interfering with the possession of the land of the petitioner.

5. In the circumstances, if the petitioner society has any grievance with regard to the interference, they are at liberty to file appropriate civil suit in the competent Court of law, but this Court cannot issue a direction to respondents 1 to 3 to interfere with any civil dispute.

6. Giving such liberty, this Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

19-04-2016

Gsn