

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT APPEAL No. 183 OF 2016

08-03-2016

Between:

Sunkar Chinna Narsimloo

... Appellant

And

The State of Telangana, rep., by its Principal Secretary, Municipal
Administration, Government of Telangana, Secretariat, Hyderabad and
others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 183 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal, by the original petitioner, is against the order dated 04-12-2015 passed in Writ Petition No.39458 of 2015, whereby his prayer for declaring the action of the respondents in trying to dispossess him as arbitrary and illegal, has been rejected. The relevant portion of the order passed by learned single Judge reads thus:

“From the pleadings of the petitioner, it is evident that he has filed O.S.No.34 of 1999 in the Court of the learned Principal Junior Civil Judge, Nizamabad, for permanent injunction restraining respondent Nos.2 to 3 from interfering with his possession of the suit schedule property, which is the subject matter of this writ petition as well, and by judgment and decree, dated 18.07.2002, the said suit was decreed granting permanent injunction as sought by the petitioner. The petitioner further averred that despite the said decree, the officials of respondent Nos.2 to 4 have measured his land on 30.1.2015 claiming that it belongs to the Government.

In my opinion, the writ petition is wholly misconceived as the petitioner has availed a wrong remedy, instead of approaching the Court, which has passed decree of permanent injunction, under Order XXI Rule 32 C.P.C. for execution of the decree. The jurisdiction under Article 226 of the Constitution of India cannot be allowed to be invoked for execution of the decree of a civil Court.”

Having regard to the reasons recorded by learned single Judge, we do not find any reason to interfere with the same. It is always open

to the appellant to avail the remedy for redressal of his grievance, as stated in the impugned order.

Hence, the appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

08-03-2016

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