

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26352 OF 2017

Dated:08.08.2017

Between:

Tandra Krishnarjun Rao,
S/o. Seshagiri Rao, aged about 73
Years, Occ: Agriculture, R/o.Chathakonda
Village and Gram Panchayat, Laxmidevipalli
Mandal, Bhadradri Kothagudem District .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.26352 OF 2017****ORDER:**

Petitioner claims that he and his brothers are owners and possessors of the land to an extent of Acs.6.06 guntas in Survey No.150 of Chatakonda Village, Laximidevipalli Mandal, Bhadradri Kothagudem District. Out of the above extent of land, petitioner exclusively owns Acs.4.29 guntas. According to the petitioner, his name is mutated in the revenue records and he was issued pattadar pass book in his favour. Petitioner is doing agriculture and raised Eucalyptus plants in the said land. Alleging that the Tahsildar, the 4th respondent, is interfering with the possession and enjoyment of the property, petitioner filed O.S.No.190 of 2017 in the Court of Agent to Government, Bhadradri Kothagudem District. The said suit is pending consideration. In the representation filed by the petitioner, he requested to conduct survey, demarcation and fixing of boundaries of the land to an extent of Acs.6.06 guntas in Survey No.150.

2. The suit filed by the petitioner is pending before the Agent to Government concerning the very same property and it is the categorical assertion of the petitioner in the pleadings raised in the said suit that he is the owner and possessor of the property and therefore sought permanent injunction restraining the respondent authorities from interfering, nothing prevented the petitioner to file an application before the Agent to Government praying to grant the same relief as sought in the present Writ Petition. Since the petitioner has already availed the remedy available to him in civil

law with regard to the same property, this Court is not inclined to entertain the Writ Petition under Article 226 of the Constitution of India to grant such relief which can as well be availed in the pending suit.

3. The Writ Petition is accordingly dismissed leaving it open to the petitioner to file an appropriate application before the Agent to Government in the pending suit. There shall be no order as to costs.

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

Date:08.08.2017

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P. NAVEEN RAO, J

