

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25607 of 2017

DATED : 02.08.2017

Between :

Arjun Singh S/o.Balram,
Aged 64 yrs, Occu : Business,
R/o.8-1-431/1, Shaikpet, Ranga Reddy District,
Hyderabad.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
(Revenue Department),
Secretariat at Hyderabad & others.

... Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25607 of 2017

ORDER :

Heard.

2. Petitioner is the plaintiff in O.S.No.1365 of 2014 on the file of II Additional Senior Civil Judge, Ranga Reddy District. Defendants filed I.A.No.389 of 2014 under Order 26 rule 9 and 10 (A) read with Section 151 of Code of Civil Procedure, to appoint an advocate commissioner to conduct the survey of entire suit schedule land with the assistance of Deputy Director, Survey & Land Records, Ranga Reddy District. The trial Court passed orders on 03.08.2015 and allowed the I.A., appointing the advocate commissioner for the purpose of conducting survey of the entire suit schedule land and to file report on 28.09.2015. This writ petition is filed alleging that the advocate commissioner could not conduct survey of entire suit schedule land and submit his report since the Deputy Director is not cooperating and he therefore, seeks intervention of this Court under Article 226 of the Constitution of India, to direct compliance of the order passed by the trial Court referred to above.

3. Petitioner being the plaintiff in the suit and I.A. order was passed in the pending suit, it cannot be said that the petitioner is remediless, if the order of the trial Court is not complied, and the survey could not be completed, inspite of passing orders.

4. In the matters of this nature more particularly, when the suit is pending before the trial Court, this Court is not inclined to

exercise extraordinary jurisdiction under Article 226 of the Constitution of India and to grant the relief as prayed for.

5. Thus, leaving it open to the petitioner to work out his remedies as available in law, this writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

2nd August, 2017
Rds

