

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.13793 of 2017

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, prays for a direction to the respondent Corporation not to interfere with the petitioner's possession over land to an extent of Acs.85.00 in Survey Nos.833, 834, 836, 837 and 838 situated at IDA Patancheru, Medak.

In the affidavit filed in support of the Writ Petition, the petitioner stated that the respondent Corporation may any time use the force and authority and interfere with its peaceful possession without following due process of law. Admittedly, in the present case on hand, the petitioner earlier filed O.S.No.47 of 1982 in the Court of Subordinate Judge, Sanga Reddy, against the respondent Corporation, for specific performance of contract of sale and for perpetual injunction restraining the defendant from possession and enjoyment of the plaintiff. The learned Subordinate Judge, Sanga Reddy, vide judgment, dated 31.12.1992, decreed the suit for the relief of specific performance and granted perpetual injunction restraining the respondent Corporation from interfering with the plaintiff's possession over the suit schedule land admeasuring Acs.85.00 situated at IDA Patancheru. As against the said judgment and decree, an appeal in

A.S.No.987 of 1993 filed by the respondent Corporation is pending consideration before this Court. Pending the said proceedings, the present Writ Petition is filed for the relief as mentioned supra.

It is submitted by the learned counsel for the petitioner that there is no interim order in A.S.No.987 of 1993 in favour of the respondent Corporation.

In the considered opinion of this Court, since there is a decree in favour of the petitioner, it can seek appropriate relief for enforcement of the same before appropriate forum but not by way of present Writ Petition under Article 226 of the Constitution of India and it is open for it to resort to such course of action as per law.

With the above observations, the Writ Petition stands disposed of.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

18th APRIL, 2017.

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