

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.29305 OF 2017

Date: 30.08.2017

Between:

Nitish Harwalkar S/o Prabhakar Rao Hawalkar,
Aged about 57 years, Occu: Business, r/o.H.No.C-Block,
409, Platinum City, HMT Road, Banglore, Karnataka
State, rep.by his GPA holder S.Krishna Mohan,
S/o late Jamunaji Rao, Aged about 54 years,
Occu:Business, r/o. H.No.23-5-541, Inside Lal Darwaza,
Hyderabad, Telangana State.

.....Petitioner

and

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

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner filed this writ petition praying to grant the following relief:

“to issue writ a writ or order more particularly one in the nature of writ of mandamus declaring the action of the 5th respondent in not initiating any action against the respondents 6 to 8 in interfering with the peaceful possession and enjoyment of the petitioner and also illegal interference by the respondents 6 to 8 and their henchmen over the petitioner landed property in Sy.No.115/2A admeasuring Ac.2.00 out of Ac.4.00 at Mylardevpally village, Rajendranagar Mandal, Rangareddy district, in spite of petitioner written complaint dated 2.8.2017 as illegal, arbitrary, unjust and also against Article 300-A of Constitution of India and consequential directions to the respondents 2 to 5 to make immediate steps by initiating criminal action against the respondents 6 to 8 and their henchmen for illegal interference and making trials of disturb physical possession of the petitioner over the said land.....”

2. The pleadings in the affidavit and the prayer itself would show that grievance of the petitioner is against illegal interference into the possession and enjoyment of the subject property by the respondents 6 to 8, who are private parties. On *inter se* dispute between private individuals, appropriate remedy that can be availed is under common law. In a dispute between private individuals including on the issue of possession, the Tahsildar cannot involve. Thus, merely because petitioner made a representation to the Tahsildar alleging illegal interference into the possession and enjoyment of the subject property, no direction as sought for can be granted. Furthermore, even before application is made for correction of revenue records by any third person, no prior direction can be issued to the Tahsildar directing not to

entertain any such application as sought by the petitioner in his representation dated 02.08.2017. On this issue, writ petition is premature. Thus, writ petition is dismissed in limini, leaving it open to the petitioner to work out his remedies as available in law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 30.08.2017
kkm



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