

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.10116 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 2 to 4.

2. The writ petition is filed challenging the action of the respondents 2 to 4 in forcibly locking and highhandedly interfering with the peaceful possession and enjoyment of the petitioner's property bearing No.MIG-24, Dharmareddy Colony, Phase-II, Hydernagar, Kukatpally, Hyderabad, even before expiry period for appeal.

3. In a case between the petitioner and the 3rd respondent, the 4th respondent passed an order on 16.03.2017 upholding the case of the 3rd respondent and also holding that the petitioner is an unauthorized occupant of the said plot. In the said order itself it is specifically stated that the petitioner herein, who was respondent in the case pending before the 4th respondent, is entitled to file an appeal before the Chief Judge, City Civil Courts, Hyderabad, within one month. The 3rd respondent, who is a party to the proceedings, highhandedly locked the premises and failed to open the seal. Hence, the present writ petition is filed.

4. Learned counsel for the petitioner states that since the petitioner has right of appeal, he availed the same today by filing an appeal before the Chief Judge, City Civil Courts, Hyderabad. Since the statutory appeal is preferred before the competent authority, it is needless to observe that the 3rd respondent cannot seal the premises without orders from the appellate authority.

5. In the circumstances, without expressing any opinion on the merits of the case, the 3rd respondent is directed to open the seal of the premises forthwith. Further proceedings in the matter would be regulated by the appellate authority.

6. With the above direction, this writ petition is disposed of. No order as to costs. As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 30.03.2017

BSS



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