

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30843 OF 2017

DATED : 14.09.2017

Between :

Mohd. Abdul Kareem S/o.Mallaiah,
Aged 41 yrs, Occu : Business,
R/o.H.No.8-3-537/1, Bhagathnagar Locality,
Of Karimnagar, rep., by his GPA holder
Mohd.Abdul Salam S/o.Abdul Khadar,
Aged 33 yrs, Occu : Business,
R/o.H.No.7-2-290, Mankammathota,
Karimnagar, Karimnagar District.

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Petitioner

And

The State of Telangana,
rep., by its Principal Secretary,
Department of Revenue,
Secretariat, Hyderabad & Others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims to be the owner and in possession of land to an extent of 635.25 Square yards in Sy.No.114/A, Chintakunta Village, Kothapalli Mandal, Karimnagar District. It appears, there is dispute between the petitioner and person by name Mechineni Tirupathi and Nyalamadugu Shankaraiah. Alleging illegal interference and dispossession, petitioner instituted O.S.No.207 of 2017 on the file of Principal Junior Civil Judge, Karimnagar. In I.A.No.580 of 2017, an injunction order was granted in favour of the petitioner directing the defendants therein, not to interfere with possession and enjoyment by the petitioner. This writ petition is filed alleging that even though injunction order was granted in his favour, the said defendants are seeking to dispossess the petitioner through the authorities arrayed as respondents herein.

3. In other words, petitioner is now seeking enforcement of injunction order obtained by him in the pending suit. The defendants in the said suit are not made parties in this writ petition. Hence, it cannot be said that the petitioner is remediless for enforcement of injunction order granted by the competent Court, as long as such injunction order is in force. Petitioner contends that there is no dispute between him and official respondents with reference to ownership claimed by him and the dispute is only between him and the private parties. If that is so, in

the absence of any material to show that the respondent authorities are interfering, in the guise of alleged interference, petitioner cannot seek enforcement of injunction order by way of writ petition invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

4. Hence, the writ petition is liable to be dismissed in limine and is accordingly dismissed, leaving it open to the petitioner to work out his remedies as available in law. There shall be no order as to costs.

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

14th September 2017
Rds

P.NAVEEN RAO,J

