

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.7451 of 2017

ORDER:

The prayer in the writ petition reads as follows:

“To issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, to declare the action of the respondents 4 and 5 herein in making attempts to encroach into land to an extent of Ac.0.05 gts., in Sy.No.2, situated at Bakaram Jagir Village, Moinabad Mandal, Ranga Reddy District, without any authority under the guise of endorsement dated 23.02.2017 bearing No.B/319/2017 issued by the 3rd respondent herein, as being illegal, arbitrary and violative of Article 21 and 300-A of the Constitution of India, and consequently direct the respondent Nos.4 and 5 herein not to take any coercive steps without following the due process of law and to grant such other relief or reliefs.”

Heard the learned counsel for the petitioner and learned Government Pleader for Panchayat Raj for respondent Nos.1 to 3 and also Sri G.Narender Reddy, learned standing counsel for respondent Nos.4 & 5 and perused the prayer in the writ petition with the supporting affidavit with stay vacate petition and enclosures and other material on record.

Undisputedly subsequent to the filing of the writ petition, the plaintiff filed O.S.No.21 of 2017 on the file of Junior Civil Judge, Chevella, in relation to the selfsame property of Ac.0.05 guntas in survey No.2, situated at Bakaram Jagir Village, Moinabad Mandal, Ranga Reddy District, which the plaintiff claim title from his family members covered by registered sale deed dated 04.09.2013 vide document No.5949/2013. In the prayer of the suit, it is for perpetual injunction restraining the 3 private

defendants therein not to interfere. Once the suit is pending, the writ petitioner as plaintiff in O.S.No.21/2017 can implead Panchayat from present allegation of Panchayat is trying to interfere so also the Revenue Department, if any, by seeking to exempt notice invoking Section 80 (2) CPC from any requirement to obtain interim order of 2 months statutory notice required equally similar requirement under Panchayat Raj Act.

Having regard to the above without going into the disputed factual matrix, as already civil suit is pending, the Writ petition is disposed of not to interfere with the petitioner's possession and enjoyment for one (01) month from the date of receipt of a copy of this order. In the meantime, the petitioner is at liberty to seek appropriate relief in the pending civil suit by impleadment of Panchayat and Revenue Officials if any.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.07.2017
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