

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33337 OF 2017

DATED : 06.10.2017

Between :

P.Rama Narsimha Rao,
S/o.Late P.Rajeswara Rao,
Aged about 68 yrs, Occu : Retired from service,
R/o.Flat No.55 & 56, Hi-rise PVR Meadows Colony,
Mallampet, Bachupally,
Hyderabad 500 090 & others.

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Petitioners

And

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

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Respondents



This court made the following :

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ORDER :

Heard.

2. According to the petitioners grand father of the petitioners by name Pingali Venkata Rama Rao, was the owner of land to an extent of Ac.2-00 in Sy.No.191 and Ac.1-14 guntas in Sy.No.190 of Mallampet Village, Qutbullapur Mandal, presently Dundigal Gandimaisamma Mandal, Medchal-Ranga Reddy District. In addition to the above land, their grand father was in possession of excess land of Ac.1-00 in Sy.No.191 and Ac.0-20 guntas in Sy.No.190 of the above village and was in continuous possession of total extent of land. According to the petitioners father of the petitioners was adopted by their grand father and the property above mentioned devolved on their father and after the demise of their father, it has fallen to their share. Petitioners allege that the respondents are trying to interfere and dispossess them from the subject properties.

3. The material on record would disclose that Sri Late P.Rajeswara Rao, instituted O.S.No.25 of 1998 on the file of Junior Civil Judge, Medchal, Ranga Reddy District, praying to restrain the defendant from interfering and evicting the plaintiff from the suit schedule properties and decree was granted on 30.03.2000.

4. This writ petition is filed alleging interference and contemplating to dispossess the petitioners. The prayer itself would disclose that the petitioners are aggrieved by contemplating

dispossession. As asserted in the affidavit, petitioners claim that they cannot be dispossessed without following the due process, when the decree is operating against the Mandal Revenue Officer.

5. Having regard to these facts, the present writ petition is in the form of pre-emptive litigation, prohibiting the authorities from initiating the action in accordance with law and there is no cause of action for the petitioners to institute this writ petition, more so, when according to them decree is granted by the competent Court against the Mandal Revenue Officer, from interference and dispossession. If the petitioners are in occupation of government land, they cannot take away the right of the government and can dispossess any person by following the due process of law. Therefore, petitioners cannot file this writ petition in the form of pre-emptive litigation and prevent the authorities from taking appropriate action to protect the public property. The writ petition is mis-conceived and is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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

6th October, 2017
Rds

P.NAVEEN RAO,J