

**HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**W.P.No.38496 of 2016**

**ORDER:**

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue appearing for the respondent Nos.1 to 4 and learned Government Pleader for Home appearing for the respondent No.5.

2. Petitioners have filed this Writ Petition alleging that respondent Nos.4 and 5 are interfering with their possession and enjoyment of the land in Sy. No.259 to an extent Ac.2.00 cts of Murigummi village, PC Palli Mandal, prakasam District.

3. Admittedly there are sub divisions in Sy. No.259 but no sub division is mentioned in the prayer in the Writ Petition. The 6<sup>th</sup> respondent admittedly approached the Junior Civil Judge, Kanigiri by filing O.S.No.249 of 2016 and on 13-12-2016 in I.A.No.1031 of 2016, temporary injunction has been granted in favour of 6<sup>th</sup> respondent against the petitioners.

4. No material is placed before this Court that respondent Nos.4 and 5 are interfering with their possession and enjoyment of the property. Since the Civil suit is pending between the petitioners and 6<sup>th</sup> respondent, directing the petitioners to seek adjudication of their claim against 6<sup>th</sup> respondent in the Civil Court, the Writ Petition is dismissed. No costs.

5. Interim order granted earlier is vacated.

W.V.M.P.No.5120 of 2016 is allowed.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 07-12-2017

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