

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.25809 OF 2013

ORDER:

Petitioners pray for the following relief:

“...Writ of Mandamus, declaring the action of the respondents in interfering and threatening to dispossess the petitioners' respective premises bearing H.No.17-9-600/B/1 and H.No. 17-9-600/B/2 Chavni Nade Ali Baigh, Yakutpura, Hyderabad as illegal, arbitrary and violative of Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to dispossess the petitioners from their respective houses without following due process of law...”

The petitioners claim to be absolute owners and possessors of the subject Door Numbers. The petitioners filed O.S No.743 of 2013 before the VI Junior Civil Judge, Hyderabad against the Municipal Corporation when the Municipal Corporation tried to dispossess the petitioners without recourse to law. According to petitioners, on 29.04.2013, the trial Court granted status quo order.

While matter stood thus, the respondents are frequently visiting the premises, causing undue interference in respect of subject property and threatening the petitioners to dispossess from subject property. Hence, the writ petition.

The respondents filed counter affidavits. The 3rd respondent states that the subject property falls in Survey No.249/p of Saidabad Village which correlates to T.S.No.3, Block-F, Ward-175 of Saidabad Village and Mandal. Survey No.249 is recorded as

Jaalkhana Sarkari and the total extent covered by Jaalkhana is Ac.17.02 gts. The gift deeds relied on by the petitioners are disputed and also that the identity of property is also in issue between the parties.

Counsel for petitioners after arguing the writ petition for some time and appreciating the difficulty in convincing this Court to accept prima facie title under Article 226 of the Constitution of India does not press the writ prayer and seeks liberty to work out reliefs in the suit filed by the petitioners.

The statement is placed on record and the writ petition is dismissed by granting liberty as prayed for. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 27.11.2017
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S.V.BHATT, J