

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.40868 OF 2017

ORDER:

The Writ Prayer reads as follows:

“... to issue a Writ of Mandamus declaring the action of the 3rd respondent in interfering with the peaceful possession and enjoyment of the petitioner's property No.13-6-426/A/53 Plot No.(B) admeasuring 1372 Sq.yds situated at Moghal Nagar Ring Road, Sy.No.503/A Bapunagar, Attapur, near Bapu Ghat Hyderabad without any lawful authority as illegal, arbitrary and unjust and consequently direct the 3rd respondent not to interfere with the peaceful possession and enjoyment of the petitioner's property.”

The petitioner, admittedly, filed O.S.1534 of 2017 in the court of VI Junior Civil Judge, City Civil Court, Hyderabad. In I.A.No.559 of 2017, learned Trial Judge, directed parties to maintain status-quo.

The counsel for writ petitioner contends that the 3rd respondent and/or his subordinates have made it a habit to visit property bearing Door.No.13-6-426/A/53 plot No.(B) admeasuring 1372 Sq.yds in Sy.No.503/A of Bapunagar, Attapur. The subordinates of 3rd respondent are further intimidating the petitioner without a crime registered against the petitioner.

Therefore, the sum and substance of the grievance in the writ petition is that respondents 2 and 3 are interfering in property rights or a civil dispute, without a crime being registered against the petitioner with 3rd respondent.

The Assistant Government Pleader, on instructions, submits that Crime No.193 of 2017 is registered at the instance of petitioner herein and on the complaint given by one Mr. P.V.Raju, Crime No.194 of 2017 is registered and investigation is taken up.

This Court is of the view that the very premise on which the writ affidavit is proceeding does not seem to be tenable. The petitioner, having availed the remedy of suit before VI Junior Civil Judge, City Civil Court, Hyderabad, if is threatened by the subordinates of 3rd respondent, can also implead the officers in their individual capacity and work out all reliefs. The registration of crimes is not disclosed and this Court is not inclined to exercise the discretion.

Writ Petition fails and is accordingly, dismissed, however, liberty to work out all remedies in the pending suit is granted.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.


S.V.BHATT,J

Date: 5.12.2017

KPM