

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 480 of 2018

ORDER:

This Writ Petition is filed alleging interference of respondents 4 and 5 with respect to petitioner's property.

As can be seen from the averments mentioned in the writ affidavit, on an earlier occasion, when the Sarpanch and the Secretary were interfering with the petitioner's construction in 2014, O.S.No.231 of 2014 came to be filed and in the said suit, I.A.No.837 of 2017 came to be filed seeking temporary injunction pending disposal of the suit. Further, the said I.A. came to be dismissed on the ground that the petitioner's claim is based on an agreement of sale. Now, the petitioner had obtained a registered sale deed bearing document No.5727/2015. Therefore, she alleges that there is no cause of action for respondents 4 and 5 to interfere with the constructions being made by her.

Having considered the above and considering the fact that O.S.No.231 of 2014 filed by the petitioner is pending as on date, this Court is not inclined to entertain the Writ Petition merely on the ground that the petitioner has obtained a registered sale deed. The petitioner can agitate the same in the pending suit by placing

necessary material before the civil Court. However, expressing any opinion with regard to the right of the petitioner or the respondents in the subject property would jeopardize the interests of the petitioner in the pending civil suit.

In those circumstances, the Writ Petition is disposed of, leaving it open to the petitioner to workout the remedies in accordance with law.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

18th JANUARY, 2018.

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CHALLA KODANDA RAM, J

