

THE HON'BLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION No.5942 OF 2015

ORDER:

Heard the learned counsel appearing for the petitioner.

The prayer sought for in the writ petition is as under:

“to issue Writ or Writs Order or Orders more particularly in the nature of mandamus thereby declaring the inaction of the 1st and 2nd Respondents herein on the representation dt. 28-02-2015 made by the Petitioner as illegal, arbitrary and against the principles of natural justice and consequently directing the Respondent No 1 herein to deposit the remaining auction sale amount in respect of the house premises bearing No. 8-162/2/D on Plot No. 111/Part & 112/Part (North side Portion) on a land adm. 104 Sq. Yards. in Sy. Nos. 52, 56 and 60 covered under Block No. 8, situated at Prasoona Nagar, Qutubullapur Municipal Circle, G.H.M.C. Qutubullapur Mandal, R.R. District, Hyderabad 54 in O.S. No. 25 of 2014 on the file of I Addl. District Judge, R. R. District at L.B. Nagar if the 1st Respondent auctioned the said property as per schedule without disbursing the said amount to the 3rd Respondent.”

From a perusal of the contents of the affidavit, this Court is of the opinion that the writ petition, as filed, is not maintainable. The learned counsel appearing for the petitioner also brought to the notice of this Court that the petitioner filed a suit in O.S.No.25 of 2014 on the file of the I Additional District Judge, R.R.District at L.B.Nagar and obtained a decree against the 3rd respondent herein on 13.02.2015. In that view of the matter, the petitioner is at liberty to seek appropriate orders against the 1st respondent by filing an execution petition in the above said suit.

With the above observation, the writ petition is dismissed. It is needless to observe that the dismissal of the writ petition will not come in the way of the petitioner in filing execution petition to seek appropriate remedy before the Court below, as per law. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAVA RAO,J

23rd NOVEMBER 2018.

Tsr

