

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2486 of 2018

ORDER:

Heard the learned Counsel for the petitioner.

The petitioner claims to be the absolute owner and possessor of Plot Nos.23, 24, 33 and 34 admeasuring 800 square yards situated in Survey No.105 of Suraram Village, the erstwhile Medchal Taluq, presently Qutbullapur Mandal, Medchal District. The petitioner states that the said land was given in gift by his mother on 08.11.2016 and the said gift deed was registered. She purchased the land under a registered sale deed dated 23.06.1978 by paying valid sale consideration. The petitioner's mother died on 24.12.2017. He further states that the original vendor, who sold the property to his mother, obtained the ownership certificate from the Sub Collector, Hyderabad East Division, on 27.05.1978 in respect of the total extent of Acs.7.22 guntas in Survey No.105 and converted the same into plots after obtaining approval from the Gram Panchayat Suraram Village. The petitioner's mother also paid charges for regularization to the GHMC on 28.02.2016. When there was interference with the property of the petitioner's mother, she filed O.S.No.69 of 1995 before the learned I Additional Senior Civil Judge, Ranga Reddy District, against Sri Naseeruddin Shah and others and the said suit was decreed in her favour. The appeal against the same in A.S.No.25 of 2002 was also dismissed by the learned I

Additional District Judge, Ranga Reddy District. Thus, the title of the petitioner is well established. While so, the sixth respondent and others, claiming ownership over the property on the basis of some fabricated documents showing the said land as if in Survey No.105/1, are trying to interfere with the possession and enjoyment of the petitioner's plots. It is also stated that the sixth respondent and others filed O.S.No.8 of 2018 on the file of the learned Principal Junior Civil Judge, Medchal, and obtained *ad interim* injunction in I.A.No.24 of 2018 on the last day before Sankranti Vacation to the Civil Court. On the basis of the said *ex parte ad interim* injunction, when the sixth respondent and others tried to interfere with the plots of the petitioner, he approached the Station House Officer, Dindigal, Tahsildar, Qutbullapur, Assistant Commissioner, GHMC, and Revenue Divisional Officer, by submitting relevant documents, but no action was taken. In those circumstances, he filed the present Writ Petition seeking a direction to respondent Nos.1 to 5 to prevent the sixth respondent from entering the Plot Nos.23, 24, 33 and 34 admeasuring 800 square yards situated in Survey No.105 of Suraram Village.

The above facts clearly show that the sixth respondent filed O.S.No.8 of 2018 on the file of the learned Principal Junior Civil Judge, Medchal, and obtained *ad interim* injunction in I.A.No.24 of 2018. When the said suit is pending, the petitioner ought not to have filed the present Writ Petition, as he is a party to the said suit and appropriate remedy is available to him for

getting the *ad interim* injunction vacated. When the petitioner is in continuous possession of the property through his mother for the last 40 years, it is for the petitioner to take steps for protecting the property by appropriate civil remedies. In view of the pendency of O.S.No.8 of 2018, this Court is not inclined to entertain the present Writ Petition.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

30.01.2018
vs



(A.RAMALINGESWARA RAO, J)