

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO. 7675 OF 2015

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the Writ Petition is as under:

“.... to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in trying to register the petitioner house bearing Quarter No.SRT/793, Sanath Nagar, Hyderabad in favour of the 3rd respondent without considering the plea of the petitioner is illegal, arbitrary, highhanded and against the principles of natural justice, law and consequently direct the 2nd respondent not to register the petitioner house bearing Quarter No.SRT/793, Sanath Nagar, Hyderabad in favour of the 3rd respondent.”

3. The specific case of the Writ Petition is that respondent No.2 allotted Quarter No.SRT/793 to the deceased husband of the petitioner under the government of India Subscribed Industrial Housing Scheme for industrial workers. Respondent No.2 executed a lease cum sale agreement dated 29.8.1988 in favour of the deceased husband of the petitioner. However, the deceased husband of the petitioner allowed one of his friends, namely L.Srinivas Goud i.e., respondent No.3 herein to stay in the above said quarter on rental purpose. However, respondent No.3 created an agreement of sale dated 8.11.1982 in favour of his wife Smt. Veena Devi by forging signatures of the deceased husband of the petitioner. The said dispute resulted in filing of O.S.No.249 of 1994 before the learned Additional Judge, City Small Causes Court-cum-VI Senior Civil Judge, City Civil Court, Hyderabad for specific performance of the agreement of sale dated 8.11.1982 against the

petitioner and others. The said suit was decreed on 31.12.2002, against which, the petitioner filed an appeal in A.S.No.307 of 2003 on the file of the Court of IX Additional Chief Judge (FC), City Civil Court, Hyderabad. However, the same also came to be dismissed.

4. Learned GP appearing for respondent Nos. 1 and 2, during the course of hearing submitted that the matter is civil in nature and there is a dispute between the petitioner and respondent No.3 and the said dispute cannot be adjudicated in the present Writ Petition.

5. Having heard the learned GP and from the perusal of the material on record, it is an admitted fact that a civil litigation was pending between the petitioner and others on one hand and respondent No.3 on the other hand in O.S.No.249 of 1994. From the perusal of the affidavit filed in support of the Writ Petition, it is evident that the said suit was decreed in favour of respondent No.3. In that view of the matter, this Court is not inclined to interfere in the civil disputes pending between the parties. Further, whether the said agreement of sale is created by forging the signatures of the deceased husband of the petitioner or not, is a disputed question of fact, which, this Court in exercise of jurisdiction under Article 226 of the Constitution of India cannot go into and decide the issue.

6. Therefore, this Court is of the opinion that there are no merits in the Writ Petition and accordingly, the Writ Petition is dismissed.

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

P. KESHA VA RAO,J

Date: 27.11.2018
KPM