

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10419 OF 2018

DATED :02.04.2018

Between :

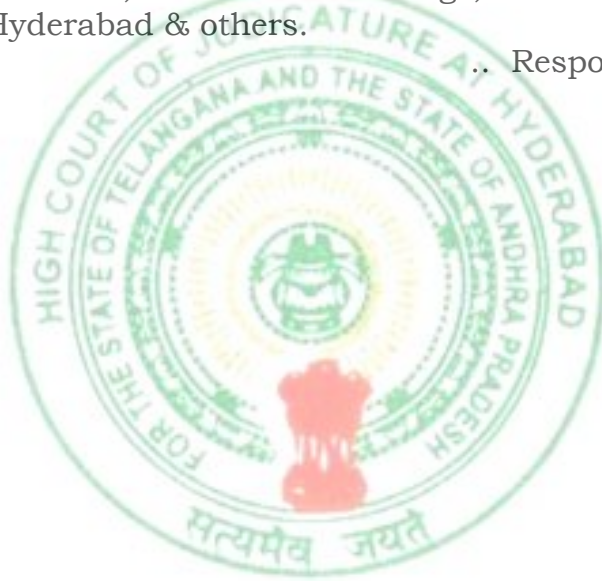
Shaik Hussain S/o.Basu Miya,
Aged about 66 yrs, Occu : Agriculture and Business,
R/o.H.No.7-133/36, Habeebnagar,
Moosapet, Hyderabad.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department, Secretariat Buildings,
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10419 OF 2018

ORDER :

Heard learned counsel for the petitioner and learned Government pleader for Revenue (TG).

2. This writ petition is filed praying to direct the official respondents to conduct survey of petitioner's land to an extent of Ac.0.20 guntas out of Ac.2.36 guntas in Sy.No.9/A1, Kamkole village, Parishad Munipally Mandal, Medak District. Petitioner alleges that even though he filed an application long ago, the same is not acted upon and the respondents 6 and 7 illegally encroached into his land.

3. The material on record would disclose that petitioner instituted O.S.No.197 of 2016 pending on the file of Junior Civil Judge, Sanga Reddy to grant injunction against defendants therein who are respondents 6 and 7 herein. In I.A.No.734 of 2016 filed by him under Order 39 Rule 1 and 2 of Code of Civil Procedure, the trial Court granted injunction in favour of the petitioner and the same is in operation. The subject property in the said suit is same as in the present writ petition.

4. Thus, if the petitioner has any grievance with reference to encroachment and there is requirement to conduct survey, he could have as well filed appropriate application before the trial Court to seek such direction, as warranted by law. During pendency of the suit, petitioner cannot independently prosecute the issue of conducting of survey alleging that survey is not conducted and file writ petition under Article 226 of the

Constitution of India, concerning the same subject property on which O.S.No.197 of 2016 is pending.

5. Thus, leaving it open to the petitioner to work out his remedies, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

2nd April, 2018
Rds

P.NAVEEN RAO,J

