

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10442 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue any appropriate Writ, Order or direction, preferably a Writ in the nature of Mandamus declaring the action of official respondents in actively aiding and assisting the unofficial respondents not to enter into the Patta lands of petitioners in Sy. No.121, situated at Thatiannaram Village, Hayatnagar Mandal, Ranga Reddy District as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently set-aside the said action and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *P.Venugopal*, learned counsel representing Sri *Pottigari Sridhar Reddy*, learned counsel appearing for the petitioners, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 4, and of the learned Government Pleader for Revenue appearing for the respondents 5 & 6. I have perused the material record.

3. Learned Senior Counsel appearing for the petitioners would submit that the petitioners are the absolute owners and possessors of the agricultural land in all admeasuring Ac. 5.17 ½ guntas, in Survey No.121, situated in Thatiannaram Village, Hayatnagar Mandal, Ranga Reddy District, having acquired the same under different registered Gift Deeds, the details of which are mentioned in the affidavit filed in support of the writ petition, which are duly

executed by their father and mother and that the right, title and interest of the petitioners in respect of the subject property was finally decided and the matter has attained finality and that when the District Collector *vide* letter, dated 10.10.2017, addressed to the Revenue Divisional Officer, Ibrahimpatnam Division, Ranga Reddy District, intended to reopen the matter, a W.P.No.10768 of 2018 is filed and that in that writ petition, this Court, by an order, dated 03.04.2018, in I.A.No.1 of 2018, passed an interim order stating that it is no more open for the revenue authorities to go into the decided aspect and that the balance of convenience is in favour of the petitioners and granted an interim order staying the proceedings in Case No.J/997/2017 before the 3rd respondent therein, i.e., the 6th respondent herein, until the disposal of the said writ petition and that in that view of the matter, the petitioners are entitled to peacefully enjoy their property, but the official respondents herein are actively aiding and assisting the unofficial respondents in entering into the patta lands of the petitioners in Survey No.121, situated in the afore-stated village and, hence, the present writ petition is filed.

4. Learned Government Pleader for Home, on written instructions, a copy of which is placed on record, would submit that on the complaint of one Yasaram Suresh Kumar, S/o.Balaiah, lodged with Hayathnagar Police Station, a case in Crime No.916 of 2016 was registered, on 01.10.2016, for the offences punishable under Sections 147, 297, 295-A, 323, 427 read with 34 of Indian Penal Code against the father of the petitioners herein and that investigation is taken up in that case and a charge sheet was filed before the Court of the learned Junior Civil Judge-cum-VII

Metropolitan Magistrate, Hyderabad, and a Calendar Case in C.C.No.1316 of 2016 is taken on file and that the father of the petitioners is facing trial and that the Board members of Yaseen Begum Family Society made an application to the Commissioner of Police, Rachakonda, on 21.12.2017, requesting to accord permission for performing rituals and daily prayers at Dargah by name ZINDE MADHAR SHAH regularly and every Friday and to provide access to Dargah for cleaning work and completion of pending construction work in the said Dargah at Survey No.121, Takiya Yaseen Begum Graveyard, Muttuguda, Thattiannaram, Hyderabad, and that no action whatsoever has been taken on the said representation till date, as it is a sensitive issue and the same is pending consideration and that both parties are claiming rights and title over the lands covered by Survey No.121 and to settle their personal scores, the present writ petition is filed by the petitioners by making false allegations against the officials.

5. Having regard to the facts and submissions and as the issue with regard to title over the lands in Survey No.121 is purely a matter of civil nature and as the petitioners are already having orders from this Court and the matter is *sub judice* before the appropriate Forum, this Court is of the considered view that it is a fit case to direct the police not to interfere with the civil matter and aid either of the parties.

6. Accordingly, the Writ Petition is disposed of directing the respondents 1 to 6 not to interfere in the civil matter, which is *sub judice* before a competent Court and aid either of the parties unless

the parties obtain appropriate orders for appropriate reliefs from the competent Forum. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 10th April, 2018

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