

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.12329 OF 2018

Dated:12.04.2018

Between:

Thangella Simhadri, S/o. Pandaiah,
Aged 61 years, Occ: Agriculture,
R/o.H.No.1-1-112/13, Tekulapalli
Village, Khammam Urban Mandal,
Khammam District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, (Revenue Department),
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 4.

2. Petitioner claims that his father was absolute owner of land to an extent of Ac.1.02 guntas in Survey No.146 of Khanapuram Haveli Village, Khammam Urban Mandal, Khammam District. Alleging that respondent No.5 is interfering with his possession, petitioner filed O.S.No.366 of 2013 on the file of Senior Civil Judge, Khammam District, seeking to grant the following relief:

“... to pass a decree and judgment in favour of the plaintiff, as against the person and properties as under,

- i. to declare that the plaintiffs are the owners and titleholders of the suit schedule property.
- ii. to issue perpetual injunction restraining the defendants and all other persons claiming through them from interfering with peaceful possession and enjoyment of the plaintiffs over the suit schedule property
- iii. to grant any other relief or reliefs, which the Hon'ble Court may deems fit and proper in the circumstances of the case.”

3. The said suit is pending and no injunction is granted by the trial Court. Petitioner is now aggrieved by the deed of conveyance executed by the Tahsildar, Khammam Urban Mandal, in favour of respondent No.5.

4. As noted above, the prayer sought in the suit is, petitioner be declared as owner and titleholder of the suit schedule property. If that is so, *prima facie*, I do not see any error in the Tahsildar acting on the application made by respondent No.5 and granting relief in terms of the Government policy reflected in G.O.Ms.No.59, dated 30.12.2014.

5. Learned counsel for the petitioner submits that the conveyance deed may affect to the claim made by the petitioner in the pending suit.

6. Having regard to the same, it is needless to observe that as the conveyance deed is subsequent to the institution of suit, the trial Court would consider the respective claims in the pending suit notwithstanding conveyance deed. It is also needless to observe that if petitioner succeeds before the trial Court, it is always open to him to work out further remedies as available to him in law.

7. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:12.04.2018

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