

HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.9279 of 2014

ORDER:

There is no representation on behalf of the petitioners.

2. The prayer of the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue any appropriate writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the 2nd respondent in interfering with the civil disputes between the petitioners and the 3rd respondent and not allowing the petitioners to proceed with construction activities in premises bearing M.No.12-11-171/4/2/A to an extent of 600 square yards situated in Sy.Nos.20, 23, 24, 25 and 31 of Upperbasti, Namalagundu, Secunderabad, on the ground that civil suit is pending in respect of the property, as illegal, arbitrary, and contrary to law and consequently direct the respondents 2 and 3 not to interfere with the civil disputes pending between the petitioners and the 3rd respondent and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.”

3. The basic grievance of the petitioners is that the 2nd respondent is interfering with the civil disputes between the petitioners and the 3rd respondent and not allowing the petitioners to proceed with construction activities in premises bearing M.No.12-11-171/4/2/A to an extent of 600 square yards situated in Sy.Nos.20, 23, 24, 25 and 31 of Upperbasti, Namalagundu, Secunderabad. A perusal of the proceeding sheet shows that on 16.08.2017 this Court directed the learned counsel appearing for the petitioners to pay batta to serve the notices to the un-served respondents and the learned counsel for the petitioners is also permitted to take out personal notice to the correct address of the un-served respondents by registered post acknowledgement due and file proof of service thereof into the Court within a period of six

weeks from the date of the order. On failure, the writ petition shall stand dismissed as against the un-served respondents without reference to the Court order. From the endorsement made by the registry, it is evident that the petitioner has not complied with the order dated 16.08.2017 resulting in dismissal of the writ petition for default against the third respondent.

4. In fact, the writ petition is filed seeking a direction to the second respondent not to interfere with the civil dispute between the petitioners and the third respondent. When the writ petition itself is dismissed for default against the third respondent, no further cause would survive in the writ petition to proceed with.

5. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA VA RAO, J

Date:06.11.2018
ccm

HON'BLE SRI JUSTICE P. KESHA RAO



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