

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31368 of 2018

ORDER:

1) Heard learned counsel for the petitioner and learned Government Pleader for Revenue. Since this Court is not going into merits of the case, it may not be necessary to issue notices to the unofficial respondent.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.2 in trying to dispossess the petitioner from the property admeasuring 300 square yards together with house bearing No.10-05-779/29/C (Eastern Part), situated at Venkat Nagar, North Lalaguda, Tukaram gate, Marredpally mandal, Secunderabad, as illegal and arbitrary.

3) The averments in the affidavit filed in support of the writ petition would show that the petitioner claims to be the owner and possessor of the property referred to above, having purchased the same by way of registered sale deed dated 17.09.2016. The vendor of the petitioner claims to have acquired the said property by way of registered sale deed executed by his father namely Sri G.Durgaiah, vide document No. 36/III/2008, dated 31.03.2008. It is stated that since the date of purchase, the petitioner is in possession and enjoyment of the same. It is said that, while things stood thus, respondent Nos.2 and 3, at the instance of respondent No.4, are

trying to interfere with the possession of the property of the petitioner. The action of the respondents in interfering with the property, without following due process of law, is sought to be challenged in the present writ petition.

4) Learned counsel for the petitioner mainly submits that respondent Nos.2 and 3, at the instance of respondent No.4 (unofficial respondent), are trying to dispossess the petitioner from the subject property.

5) Learned Government Pleader, while denying the involvement of the official respondents, would submit that any action taken by the official respondents would only be in accordance with law.

6) Having regard to the above, the writ petition is disposed of directing respondent Nos.2 and 3 not to interfere with the property in dispute, if the petitioner is in possession of the same, except in accordance with law. However, insofar as interference by respondent No.4 is concerned, the petitioner is at liberty to avail the remedy available under law, if he is entitled, which shall be dealt with in accordance with law.

7) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

19.09.2018
vhh