

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

I.A.No.1 of 2018 & W.P.No.15330 of 2017

COMMON ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents 3 to 5 in interfering with the peaceful possession of the petitioner over the agricultural land, of an extent of Ac. 4.00 guntas, in Survey No.103/19, of Andugulapet Village, Mandamarri Mandal, Mancheriyal District, Telangana State, without following the procedure established by law, as illegal, arbitrary and violative of the provisions of the Articles of the Indian Constitution.

2. I have heard the submissions of Sri *Jakkula Sridhar*, learned counsel appearing for the petitioner, of the learned Government Pleader for Revenue appearing for the respondents 1 to 4, of the learned Government Pleader for Home appearing for the 5th respondent; and of Sri *P.Subash*, learned counsel appearing for the implead petitioner/proposed 6th respondent. I have perused the material record.

3. On 26.04.2017, this Court, while admitting the writ petition, granted the following interim order in W.P.M.P.No.18936 of 2017:

“Heard the learned counsel for the petitioner.

There shall be an interim direction as prayed for.”

4. Learned Government Pleader for Revenue submits that instead of filing a counter stating that the allegations of interference with possession made by the writ petitioner in the affidavit are false and that no interference was ever caused to the person in

possession of the property, a vacate petition is filed and that in view of the submissions in the affidavit filed in support of the vacate petition that no interference is being caused to the alleged possession of the petitioner over the subject property, the writ petition can be closed recording the said submission.

5. However, Sri *P.Subash*, learned counsel appearing for the implead petitioner/proposed 6th respondent submits that he filed a petition for impleadment of the proposed party as 6th respondent and also a petition to vacate the interim order. However, it is undisputed that the 6th respondent, having claimed that he purchased the subject land, had also stated in his pleadings that he already sold away the property to other purchasers. Therefore, presently, he is not having any right, title and interest over the property. Be that as it may.

6. The writ petitioner on one hand and the proposed 6th respondent on the other hand are making rival claims as regards possession over the subject property. In the vacate petition filed by the Government, the officer concerned states that some third parties are in possession of the property.

7. However, learned counsel for the writ petitioner reiterates the pleading in the writ petition and submits that the writ petitioner is in possession of the property and is cultivating the same and that when interference was caused by the official respondents, the writ petition is filed. Be that as it may.

8. Without going into the merits of the matter and leaving it open to the parties concerned to work out the rights before an

appropriate forum in an appropriate civil proceeding, if they so desire and if they are so advised, the Writ Petition is disposed of, recording the submissions of the official respondents made through the learned Government Pleader for Revenue and the learned Government Pleader for Home that the respondents are not interfering with the possession of the person, who is in possession of the subject property.

There shall be no order as to costs.

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

M.SEETHARAMA MURTI, J

Date: 12th July, 2018

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