

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.40289 of 2018

ORDER:

1) Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration appearing for respondent No.1 and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.2.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings No.A1/423/2008, dated 04.06.2018, issued by the second respondent, as illegal and arbitrary.

3) It is stated that the order dated 29.02.2007, passed in C.C.No.27 of 2007 by the District Consumer Dispute Redressal Forum, Nizamabad and also the proceedings impugned therein came to the knowledge of the petitioners in the eviction suit bearing O.S.No.40 of 2018, dated 09.03.2018 on the file of the Junior Civil Judge, Kamareddy, filed by the third respondent. The claim of the petitioners is that they are holding lawful title and are in peaceful possession of the house bearing No. 1-4-223, plot No.864 at Panchamukhi Hanuman Colony by virtue of gift deed dated 23.11.2006, given by the paternal grand mother. It appears that subsequently there was cancellation of the deed

bearing No. 5319 of 2006, dated 01.12.2006. Though the petitioners claim to be in possession of the property, they were not made party in C.C.No.27 of 2008 and the subsequent proceedings. Hence the present writ petition is filed challenging the proceedings dated 04.06.2008, issued by the second respondent.

4) It is to be noted here that the said proceedings came to be issued pursuant to the order passed by the District Consumer Forum in C.C.No.27 of 2008. Therefore, unless the orders passed by the Consumer Forum are set aside, the impugned proceedings cannot be found fault with.

5) Having regard to the above, I see no grounds to entertain the present writ petition and the same is dismissed, giving liberty to the petitioner to challenge the orders passed by the Consumer Forum, if permissible under law.

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

JUSTICE C. PRAVEEN KUMAR

09.11.2018
vhb