

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3660 of 2019

ORDER:

The prayer of the petitioners in this case reads as under:-

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the action of Respondent No.4, i.e., The Tahsildar, Sherilingampally Mandal, Ranga Reddy District, in not conducting inquiry, identifying and fixing the boundaries to Plot Nos.141, 142, 143, 164, 165 and 166 total admeasuring 1200 Sq yds or 1003.2 sq mts in Survey No.45 (part) situated at Cyber valley, Hafeezpet, Sherilingampally of Ranga Reddy District pursuant to the application made by the petitioners on 05th November 2018 as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the Respondent No.4 to conduct an inquiry and fix the boundaries to Plot Nos.141, 142, 143, 164, 165 and 166 total admeasuring 1200 Sq yds or 1003.2 sq mts in Survey No.45 (part) situated at Cyber valley, Hafeezpet, Serilingampally of Ranga Reddy District forthwith and restrain Respondent Nos.5 to 8 not to interfere with the peaceful possession enjoyment and construction activity that is being carried out by the petitioners pursuant to the sanction and work permit granted by the GHMC dated 19.12.2013 in file No.45120/23/05/2013/HO vide permit No. 30327/HO/WZ/Cir-12/2013 is illegal and without jurisdiction as otherwise the petitioner will suffer serious loss and hardship and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

It is an admitted fact that the petitioners filed O.S.No.373 of 2018 on the file of the learned V Additional Junior Civil Judge, Ranga Reddy District, and the unofficial respondents herein are all parties to the said suit. That being so, it would be open to the petitioners to move an application under Order XXVI C.P.C. for securing the survey that they now want in terms of the prayer in this Writ Petition. Similarly, they can also move an injunction application against the unofficial respondents if they are interfering unlawfully with their

alleged possessory rights. Be it noted that such relief cannot be sought by way of a writ petition.

Without taking recourse to such measures, the petitioners chose to file this case directly before this Court. This multiplicity of proceedings is neither necessary nor warranted in the opinion of this Court.

The Writ Petition is accordingly dismissed leaving it open to the petitioners to take appropriate measures, if so advised, in the pending suit for securing the reliefs sought in this Writ Petition.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

22nd February, 2019
dr

JUSTICE SANJAY KUMAR