

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.3935 OF 2019

Dated:11.03.2019

Between:

Vutkuru Satyanarayana, S/o. Venkata Subbaiah,
Age 49 years, R/o. Behind LIC Office, Hanumanpet,
Miryalaguda Town and Mandal, Nalgonda
District and others .. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Home Department,
Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.3935 OF 2019****ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Home appearing for respondents 1 and 2.

2. Petitioners are decree holders in O.S.No.195 of 2014 on the file of the Principal Junior Civil Judge, Miryalguda, Hyderabad. Judgment and decree were passed on 07.09.2015. The Principal Junior Civil Judge, Miryalguda, granted perpetual injunction against the defendants therein. Alleging that in spite of the decree granted, the defendants illegally entered into the land of decree holders, abused in filthy language, came to beat them and assaulted them in the presence of a person, by name, D. Balu, petitioners filed E.P.No.36 of 2017 in O.S.No.195 of 2014 and the same is pending consideration in the Court of the Principal Junior Civil Judge, Miryalguda.

3. A reading of averments in the affidavit filed in support of E.P. would show that complaining of illegal interference, use of abusive language and beating them, petitioners lodged complaint and sought police protection and when police refused to grant the same and narrating all these events, prayer was sought for arrest and detention into civil prison for a period of three months.

4. This Writ Petition is filed alleging that in spite of the decree, the defendants in the suit are interfering with the possession and enjoyment of the subject property and sought a direction to respondents 1 and 2 compelling them to perform public duty by restraining respondents 3 to 5 from interfering with the peaceful

possession and enjoyment. The averments in the affidavit are silent as to the subsequent steps taken by the petitioners after filing of the E.P. Since E.P. is pending on the very same issue, the Court is not inclined to entertain the Writ Petition to grant the relief as sought for by the petitioners.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioners to prosecute E.P. No.36 of 2017. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:11.03.2019

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P. NAVEEN RAO, J

