

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 385 of 2007

Date : 8.2.2019

Between:

MIR GAYOOR HUSSAIN KHAN

S/o Late nawab Hussain Yar Jung Nil R/o 22C 830 Iranigalli
Hyderabad & others

Petitioners

And

THE SECRETARY GOVT OF INDIA MINISTRY OF DEFENCE
Ministry of Defence Fin /W1 Kasniri House New Delhi &
others

Respondents

The Court made the following:



ORAL ORDER:

Petitioners claim to be heirs of late Salar Jung Bhadur III, inherited several properties protected under the statue notified under the gazettee and headed by Committee. One such property is land to an extent of Ac.2033 at Thokatta village spread across 13 hamlets forming part of survey Nos. 1 to 270. It is alleged that said property is now under the control of Cantonment Board and is being managed by Cantonment Board.

2. This writ petition is filed praying to issue mandamus declaring the action of the respondents 1 to 3 in not delivering the land above mentioned to 4th respondent i.e., The Estate Committee, Salarjung Estate, Hyderabad as illegal. The facts averred in the writ petition would disclose that C.S. No. 13 of 1958 is pending before this Court concerning the same property and petitioners are arrayed as defendants in the said suit. While so, claiming that respondents 1 to 3 did not give back the land to the petitioners or to 4th respondent society, depriving the petitioners their entitlement to enjoy the property or to receive compensation, causing hardship and suffering, this writ petition is filed.

3. Though no details are furnished in the affidavit filed in support of the writ petition on the nature of prayer sought in C S No. 13 of 1958 and rival claims pending before this Court, as averred in the writ petition the subject property in issue is subject matter of C S No. 13 of 1958. As petitioners are defendants in C S No. 13 of 1958 nothing prevented them to seek appropriate relief, if any, if they are entitled to in accordance with law in the pending suit before this Court on civil side. In view of rival claims the relief sought for in this writ petition can not be granted. Thus, leaving it open to the petitioners to avail the remedy available in law, this writ petition is dismissed. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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TVK

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