

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 17041 of 2019

Date : 9.8.2019

Between:

Bomma Peddulu S/o.Chinna Lingaiah,
Aged about 65b yrs, Occu : Agriculture,
R/o.Akkalayagudem Village, Nalgonda Mandal,
Nalgonda District

..... Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat Buildings, Hyderabad & others.

..... Respondents



The Court made the following:

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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue.

2. Petitioner claims that he along with his family members are owners and possessors of land to an extent of Ac.3.00 guntas in Survey No. 418 out of Ac.12.30 guntas, Gandhamvarigudem village, Nalgonda district. Balance land in the said survey number belongs to others. Petitioner alleges that person by name Mannem Padma owns land to an extent of Ac.2.21 guntas in the said survey number and she sold land to an extent of Ac.2.00 in two pieces of Ac.1.00 each and after such sale, she is having Ac.0.21 guntas of land. Petitioner alleges that though revenue records reflect that land to an extent of Ac.0.21 guntas in her name but she is not in possession of said land and she is encroaching into the land of the petitioner. That in order to resolve the dispute regarding possession and ownership, petitioner submitted application for conducting survey and demarcation of boundaries, receipt of such application is filed as Ex.P.1. Alleging in action, this writ petition is filed.

3. Averments in the affidavit filed in support of the writ petition disclose two aspects. Firstly, according to petitioner though in the revenue records Ac.0.21 guntas of land in survey No. 418 is recorded in the name of Mannem Padma, but she is not in physical possession and secondly said Mannem Padma filed O.S. 48 of 2019 on the file of Court of Junior Civil Judge, Nalgonda, wherein in I A No. 137 of 2019, the trial Court granted interim injunction in her favour and the said suit is pending. Said Mannem Padma also filed W P No. 15212 of 2019 seeking

police protection to implement the injunction orders granted in her favour.

4. Having regard to above background facts and since petitioner is defendant in the pending suit in O S No. 48 of 2019 and plaintiff therein has obtained injunction in her favour, any direction issued to conduct the survey may have prejudicial effect on respective claims in the pending suit. It is always open to petitioner as defendant in the pending suit, to pray the Court to order for survey for identification of the boundaries.

5. In the above circumstances, Court is not inclined to grant the relief prayed for. Accordingly, the writ petition is dismissed leaving it open to petitioner to work out remedies in the pending suit or in any independent proceedings. Miscellaneous petitions, if any pending, are closed.

DATE: 9-8-2019
TVK

P NAVEEN RAO,J