

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.20774 of 2014

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader appearing for respondent Nos.1 and 5 and learned counsel for respondent Nos.6 and 7.

2. The prayer sought in the writ petition is as under:-

“...to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.4 and 5 in assisting the respondent Nos.6 and 7 to obstruct the petitioner in cultivating his lands to an extent of Ac.8.00 spread over in Sy.Nos.163 and 166 at Bhainsa town in Adilabad District, as wholly arbitrary, illegal and violative of Art.14 and 16 of Constitution of India and consequently direct the Respondent No.5 to prevent the mischief by the respondent Nos.6 and 7 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

3. During the course of hearing, learned Government Pleader placed on record the written instructions, dated 25.09.2019, issued by the Sub-Inspector of Police, Bhainsa Town Police Station, Adilabad District.

4. From a perusal of the said written instructions, it is evident that the petitioner gave a complaint on 28.06.2014 before the 5th respondent stating that on 24.06.2014 when he was ploughing his

land, one Shivaji came to the land and obstructed him and as such requested to take action. On receipt of the said complaint, a General Diary entry was made and during enquiry it was disclosed that the matter is relating to a land dispute and as such, the said complaint was closed since it was civil in nature and advised both the parties to approach the concerned Court.

5. It is also brought to the notice of this Court that the petitioner herein already filed a suit against respondent Nos.6 and 7, vide O.S.No.125 of 2013, before the State Wakf Tribunal, Hyderabad. However, the said suit was dismissed.

6. Learned counsel appearing for respondent Nos.6 and 7 submits that they are not interfering in the cultivation of the land in Sy.Nos.163 and 166 being cultivated by the petitioner.

7. That apart, seeking a direction to respondent No.5 to prevent the mischief by respondent Nos.6 and 7 may not stand to the legal scrutiny, for the reason that if the petitioner has got any dispute with respondent Nos.6 and 7, he has to file a suit before the competent Civil Court. Since the petitioner has already filed and suffered the order, he cannot seek that relief in the present writ petition filed under Section 226 of the Constitution of India. Therefore, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

8. Accordingly, the writ petition is dismissed, leaving open to the petitioner pursue his remedies before the appropriate Court.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No costs.

15th October 2019

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P. KESHA VA RAO, J

