

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.2404 OF 2020

O R D E R

The case of the petitioners is that they are the certificate holders under Section 38-E of the Telangana Area Tenancy and Agricultural Lands Act, 1950 in respect of the subject land, and that when the entries in the revenue records were changed without any notice and that, when the subject land was sought to be occupied highhandedly by the respondents, they filed suit in O.S.No.18 of 2008 on the file of Principal Junior Civil Judge, Kalwakurthy seeking declaration of title, perpetual injunction and for correction of revenue records, and during the pendency of the said suit, respondents got erected a board in the subject land displaying that the said land belongs to Government and that trespassers will be prosecuted. The same is illegal and arbitrary.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue, on instructions, submits that there is no record to show that the petitioners are Section 38-E certificate holders, and as the land belongs to Government, board as stated above, was erected, and hence no exception can be taken.

From the averments made in the writ affidavit it could be seen that petitioners have already availed the common law remedy of filing the suit in O.S.No.18 of 2008 for declaration of title, perpetual injunction and for correction of entries in revenue records against the Government and the same is stated to be pending adjudication. Therefore, when a comprehensive suit is pending, it is not justifiable on the part of the petitioners to file writ petition under Article 226 of the constitution of India for a relief concerning the subject matter in the suit.

In view of the same, writ petition is disposed of leaving it open to the petitioners to pursue the suit already filed in respect of suit schedule property.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE: 14—02—2020

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