

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.34092 of 2014

ORDER:

There is no representation on behalf of the petitioner.

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

“....to issue may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus directing the Respondents Nos.1 to 4 to implement the orders passed by the Civil Court in regard to the Petitioner tenancy rights in respect of Schedule-A and B Properties i.e., (1) Shop No.1 in Ground Floor and Shop No.101 in First Floor in complex known as “Mallika Crown” bearing premises No.13-7-7/1, consisting of 1320 Square Feet including common area in Ground and First Floor, situated at Madurapur Colony, Dilshuknagar, Hyderabad and (2) Shop No.2 in Ground Floor and Shop No.102 in First Floor in complex known as “Mallika Crown” bearing premises No.13-7-7/1, consisting of 1320 Square Feet including common area in Ground and First Floor, situated at Madurapur Colony, Dilshuknagar, Hyderabad vide O.S.No.378 of 2014, on the file of Hon’ble II Addl. Junior Civil Judge. R.R. District and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for respondent Nos.1 to 4 placed on record the written instructions issued by the Sub-Inspector of Police, Saroornagar Police Station, Cyberabad Commissionerate.

4. From a perusal of the said written instructions, it is revealed that the petitioner approached respondent No.1 and lodged a complaint, dated 20.09.2014, stating that he is the tenant of Shop No.1, Shop No.101, Shop No.2 and Shop No.102 in the complex known as “Mallika Crown” bearing premises No.13-7-7/1 in the ground and first floor, situated at Madurapur Colony, Dilshuknagar, Hyderabad, and running the business of garments, textile, dress

materials, etc.. On 19.09.2014 at about 4.00 p.m. one Mr.Nizar came with few anti-social elements and tried to trespass into his shops and tried to disturb his business by raising loud sound saying that he should vacate and hand over the subject shops on 21.09.2014 or otherwise they threatened to take law into their hands and throw their material. Upon receipt of the said complaint, an entry was made in the General Diary of the Station immediately i.e., on 21.09.2014. After perusing the contents in the said complaint, respondent No.1 police advised the complainant to seek redressal in a competent civil Court, since the matter is civil in nature. It is also mentioned in the written instructions that the petitioner herein filed O.S.No.378 of 2014 before the II Additional Junior Civil Judge, Ranga Reddy, and obtained *ad interim* injunction orders against the un-official respondents. Similarly, the un-official respondents also filed O.S.No.1086 of 2014 before the Principal District Judge, Ranga Reddy at L.B.Nagar, against the petitioner herein. It is further mentioned in the written instructions that both the parties i.e., the petitioner herein on one hand and the un-official respondents on the other hand, are claiming title and rights over the subject property in question, for which, the petitioner is trying to involve the respondent police into the civil dispute. The dispute between the petitioner and the un-official respondents is purely civil in nature and respondent No.1 is nothing to do with the same. Since civil suits are pending against each other, claiming rights over the subject property in

question, the writ petition is not maintainable in law and he cannot invoke the jurisdiction under Article 226 of the Constitution of India.

5. Since the dispute between the petitioner and the un-official respondents is purely civil in nature and they have to work their remedies in a competent civil Court, but not in a writ petition filed under Article 226 of the Constitution of India. Therefore, this Court is of the view that there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

7th January 2020
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P. KESHA VA RAO, J

