

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23354 of 2005

DATED:31.10.2005

Between:

Elumalai

...Petitioner

And

Mandal Revenue Officer

Satyavedu Mandal, Satyavedu

Chittoor District

...Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23354 OF 2005

ORDER:

The petitioner is a resident of Aruru Village. He claims to be the owner of land admeasuring Acs.4.01 in S.No.80-4, Acs.1.00 in S.No.80-3 of Aruru Village. He allegedly purchased the said property under registered sale deed dt.19.10.1984. In 2001, when the respondent herein, namely, Mandal Revenue Officer, Satyavedu Mandal, issued a notice, dt.25.10.2001, for eviction, the petitioner filed a suit being O.S.No.540 of 2001 on the file of the Court of Junior Civil Judge, Satyavedu, for perpetual injunction. The suit was decreed ex parte on 8.4.2002. According to the petitioner, the petitioner has not filed any application for setting aside the decree nor filed any appeal, by reason of which the decree has become final. It is alleged that on 25.10.2005 the respondent sent his subordinates who tried to dispossess the

petitioner alleging that the land in question is Government land. Therefore, he filed present Writ Petition seeking a direction to the respondent not to dispossess the petitioner except in accordance with law.

Even according to the petitioner, he has obtained ex parte decree for permanent injunction from the Court of Junior Civil Judge, Satyavedu against the respondent herein. Nothing prevents the petitioner to file execution petition under Order XXI Rule 32 of Code of Civil Procedure, 1908. A person who obtains a decree from the Civil Court cannot execute the same by filing Writ Petition.

The Writ Petition is therefore misconceived and is accordingly dismissed.

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(V.V.S.RAO, J)

31.10.2005

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