

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 28042 of 2005

Between:

Mohd.Musafaruddin Mahmood Khan and 5 others

..... PETITIONERS

AND

The Station House Officer,

P.S.Pahadi Sharief,

Ranga Reddy District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, directing the respondents not to interfere with the Civil Rights and matters in respect of the land bearing Sy.No.125, admeasuring Ac.18.25 guntas of village Mankhal, Maheshwaram Mandal, Ranga Reddy District, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

It is stated that one Mr.Habeeb Moshin, S/o.Habeeb Abdullah, resident of 18-10-78, Barkas, Hyderabad filed a civil suit in O.S.No.104/2005 along with I.A.No.430/2005 on the file of the Junior Civil Judge, Ibrahimpatnam, Ranga Reddy District, for grant of injunction against the respondents therein who are the petitioners herein and others from interfering with his peaceful possession and enjoyment over the suit schedule property bearing Sy.No.125, admeasuring Ac.18.25 guntas, situated at Mankhal village, Maheshwaram Mandal of Ranga Reddy District, and the learned Junior Civil Judge, by order dated 23.08.2005, granted interim injunction, restraining the respondents therein/petitioners herein from interfering with the peaceful possession and enjoyment of the petitioner therein over the property in question till 05.09.2005. It is stated that thereafter counters have been filed and the interim injunction has not been extended from 05.09.2005. Thereafter the petitioners herein have also filed a civil suit in O.S. No.203/2005 on the file of the District Judge, Ranga Reddy District for cancellation of the alleged fabricated sale deed and for perpetual injunction and the said suit is pending. It is stated that though there is no any injunction of a civil court is subsisted against the petitioners herein, the respondents are interfering with the civil disputes over the property in question.

If there is no any injunction subsisted against the petitioners, it may not be just and proper for the respondents to interfere with the civil disputes, unless there being a complaint either from the said Habeeb Moshin or anybody alleging that the petitioners have committed a cognizable offence.

Having regard to the facts and circumstances of the case, the respondents are directed not to interfere with the civil disputes over the property in question without there being any subsisting injunction of any civil court or without there being any complaint filed either by Habeeb Moshin or anybody alleging that the petitioners have committed a cognizable offence.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 30.12.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr