

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 12477 OF 2023

Between:

Gaddarn Satya Goud, S/o Late Narsa Goud, Aged about 43 years, Occ.- Business, R/o H.No 4-70, Naspur Village, Mancherial District. Pin 504302.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary Home Department, Telangana Secretariat, Hyderabad
2. The Commissioner of Police, Ramagundam, Ramagundam Police Commissionerate Peddapally District, Telangana.
3. The Dy Commissioner of Police, Mancherial (under Ramagundam Police Commissionerate) Mancherial District, Telangana
4. The Asst Commissioner of Police, Mancherial (under Ramagundam Police Commissionerate) Mancherial District, Telangana
5. The Circle Inspector of Police, Mancherial Rural, Mancherial District, Telangana
6. The Station House Officer, Naspur (CCC), Police Station Mancherial District, Telangana
7. Nagula Shankaraiah,, S/o Mallesham Aged 59 years, Occ. Retd Electricity Dept employee Add. Beside H.No 2-10, Naspur Village and Mandal Mancherial District Pincode 9.14302.
8. Nagula Laxmi, W/o Nagula Shankaraiah Aged 52 years, Occi Housewife Add. Beside H.No 2-10, Naspur Village and Mandal Mancherial District - Pincode 504302.
9. Nagula Shiva Kumar, S/o Nagula Shankaraiah Aged 25 years, Occ. Private Employee Add. Beside H.No 2-10, Naspur Village and Mandal Mancherial District- Pincode 504302.
10. Nagula Manasa, D/o Nagula Shankaraiah Aged 20 years, Occ. Student Add. Beside H.No 2-10, Naspur Village and Mandal Mancherial District Pincode 504302.

11. Garige Srinivas, S/o Rajaiah Aged 45 years, Occ. SCL Employee Rio Beside H.No 2-11/242, Naspur Village and Mandal Mancherial District PinCode 504302.
12. Gunda Krishra, S/o Rajamouli Aged 59 years, Occ. Business C/o Sreelatha Textiles, beside Gandhi Park, Railway Station Road, Mancherial 504208
13. Enugandula Mallesh, S/o Rajaiah Aged 45 years, Occ. Business R/o H.No. 9-92, Vidyanagar, CCC Naspur, Mancherial District- 504302

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, preferably in the nature of a Writ of Mandamus by directing the Respondents Nos. 2 to 6 to prevent the Respondent Nos. 7 to 13 from criminally trespassing into the land of the petitioner herein, to an extent of Acres 0.31 guntas in Sy No 393/A, Naspur village and Mandal, Mancherial District, petitioner being the rightful owner of the said land, having purchased the same through registered sale deed bearing document No. 9053 of 2022 dated 19-05-2022 by taking lawful action against the Respondents No. 7 to 13, consequentially direct the Respondents Nos. 2 to 6 not to prevent the Petitioner herein and his family members from peaceful enjoyment of the subject land, by not restraining them from entering into their own land.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Nos. 2 to 6 to provide police aid in preventing the illegal interference over the peaceful possession of the petitioner, being disturbed by the Respondents Nos. 7 to 13, in spite of the petitioner being the rightful owner of the land to an extent of Acres 0.37 guntas in Sy.No.393/A, Naspur village & Mandal, Mancherial District.

**Counsel for the Petitioner : SRI D.V.SRINIVASA RAO
Counsel for the Respondents No.1 to 5 : GP FOR HOME**

The Court made the following: ORDER

HONOURABLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.12477 of 2023

ORDER:

This writ petition is filed for the following relief:

“.....to issue an appropriate writ, order or direction, preferably in the nature of a Writ of Mandamus by directing the respondent Nos. 2 to 6 to prevent the respondent Nos.7 to 13 from criminally trespassing into the land of the petitioner herein, to an extent of Acres 0.37 guntas in Sy.No.393/A, Naspur Village & Mandal, Mancherial District, petitioner being the rightful owner of the said land, having purchased the same through registered sale deed bearing document No.9053 of 2022 dated 19.05.2022 by taking lawful action against the respondent Nos.7 to 13, consequentially direct the respondent Nos. 2 to 6 not to prevent the petitioner herein and his family members from peaceful enjoyment of the subject land, by not restraining them from entering into their own land.”

Initially, the petitioner has also filed W.P.No.46117 of 2022 seeking similar relief. This Court, by order dated 03.01.2023, disposed of the said writ petition granting liberty to the petitioner to avail appropriate legal remedy if aggrieved by the closure report submitted by the respondent police in pursuance of the complaints lodged by him on 10.06.2022 and 13.06.2022.

Learned Government Pleader for Home appearing for respondent Nos.1 to 5 has submitted that even after disposal of the said writ petition granting liberty to the petitioner to file appropriate application questioning the closure report, the petitioner instead of availing such remedy, on the same set of facts and circumstances of the case, has filed the present writ petition except adding two more respondents in addition to the respondents, who were arrayed as party respondents in W.P.No.46117 of 2022.

This Court has carefully gone into the affidavit filed in support of the writ petition and found that the facts stated in this writ petition are similar to the facts mentioned in W.P.No.46117 of 2022. Therefore, the petitioner is not entitled to maintain the second writ petition on the same set of facts once the first writ petition has been disposed of relegating the petitioner to approach the competent Court questioning the closure report.

In view of the above, the writ petition filed by the petitioner is misconceived and therefore, the same is dismissed. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER
GP

To,

1. One CC to SRI D.V.SRINIVASA RAO, Advocate. [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies.

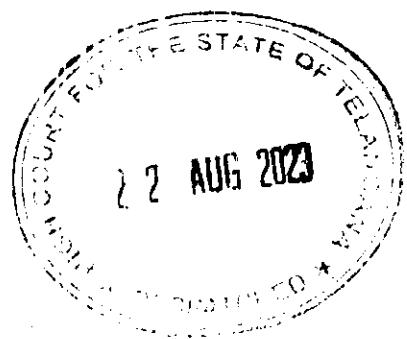
BSK

GJP



HIGH COURT

DATED:31/07/2023



ORDER

WP.No.12477 of 2023

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

⑥ via
10/8/23