

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.36029 of 2015

Date:05.11.2015

**Between:**

M.Narayana Murthy,  
S/o Late Narsimlu

**..... Petitioner**

**And:**

The State of Telangana, repled., by its  
Principal Secretary, Department of  
Municipalities, Hyderabad and 20 others.

**.....Respondents**

Counsel for the Petitioner: Mr. M.S.K.Ravi Kanth

Counsel for the Respondents: None appeared

The Court made the following:

**ORDER:**

This Writ Petition is filed for a *Mandamus* to declare the action of respondent Nos.2 and 3 in not restraining respondent Nos.4 to 21 from attempting to make illegal constructions without valid

permission or sanctioned plan over the petitioner's land admeasuring Acs.3.20 guntas in Survey Nos.432/1, 433/1 and 434/1 of Old Safilguda, Malkajgiri Mandal, Ranga Reddy District by showing Survey Nos.440, 441 and 442 as illegal and arbitrary.

I have heard Mr. M.S.K.Ravi Kanth, learned counsel for the petitioner and perused the record.

The petitioner is stated to have made a representation on 29.9.2015 to the Commissioner of respondent No.2-Municipal Corporation, wherein he has *inter alia* stated that he is the possessor of land admeasuring Acs.3.20 guntas covered by Survey Nos.432/1, 433/1 and 434/1 of Old Safilguda, Malkajgiri Mandal, Ranga Reddy District; that the property was acquired by his father-Masetty Narsimhulu under protected tenancy; and that after his demise in the year 1963, the petitioner succeeded to the same. He has further stated that one Gulam Ali Khan, S/o Late Mustafa Khan has filed a false suit-O.S.No.225 of 1977 against the petitioner in the Court of Principal District Munsif, Hyderabad East and North and the same was dismissed after the full length trial on 31.10.1981; that on 27.9.2015, in the afternoon at 12 hours, one Mohan Rao Gowlikar, S/o G.Shankarji with *mala fide* intention colluded with other land grabbers viz., respondent Nos.5 to 21, made illegal attempts to trespass into his land and made arrangements for raising structure by damaging the nature of the property. The petitioner further alleged that the said persons have created a fake document said to have been executed by a dead person-Gulam Ali Khan, the original pattadar, and are trying to encroach into his land by using money and muscle power. The petitioner asserted that the said persons do not hold any title over his property nor they have obtained permission from the Municipality to raise structures over the said land.

In the affidavit, filed in support of the Writ Petition, the petitioner reiterated the contents of the said representation.

The contents of the purported representation, dated 29.9.2015, referred to above and the averments in the affidavit would show that the dispute raised by the petitioner is predominantly a civil dispute pertaining to title and the alleged encroachment by the private respondents over the above-mentioned property. Therefore, the appropriate remedy for the petitioner is to avail the common law remedy of a civil suit. In his representation, dated 29.9.2015, made to the Commissioner of respondent No.2-Municipal Corporation, the petitioner has made a feeble plea that the private respondents are trying to make illegal constructions over the above-mentioned land. If at all respondent No.2 comes into picture, it is only in respect of this aspect.

In the above facts and circumstances of the case, while declining to entertain this Writ Petition for adjudication on merits, respondent No.2 is, however, directed to consider the representation of the petitioner only to the extent of the alleged illegal structures being raised by respondent Nos.4 to 21 and if it finds truth in the said allegation, it shall initiate appropriate proceedings under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, for prevention of such illegal constructions after following due process of law.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.Nos.46340 and 46341 of 2015 are disposed of as infructuous.

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*JUSTICE C.V.NAGARJUNA REDDY*

*05<sup>th</sup> November, 2015*

*DR*