

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31314 OF 2011

ORDER

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This writ petition is filed for a *writ of mandamus* declaring the action of the 1st and 2nd respondents in trying to dispossess and prevent the petitioner from making construction in the premises situated in Block No.7, Sy.No.87 in an extent of 253 sq.yards at Mancherial town, Adilabad District having sanctioned plan dated 14.11.2011, at the instance of respondents 3 to 6, as illegal and arbitrary and for a consequential direction to the respondents 1 and 2 not to interfere with the construction activity of the petitioner.

The case of the petitioner is that he has purchased a old house along with his four brothers bearing No.7-21 admeasuring 253 sq.yards in Block No.7 in Sy.No.87 of Mancherial town under a registered sale deed dated 10.10.1984 from one V.Mallamma and in a partition with his brothers, the said property fell to the petitioner's share through a decree in O.S.No.1524/1984 dated 29.03.1999. While so, one Gunda Ramesh raised a dispute claiming ownership in respect of the said property by obtaining a certificate of ownership dated 07.12.1987 from the 1st respondent. When petitioner raised objections, the 1st respondent after verification of the documents and having obtained the legal opinion, cancelled said certificate through proceedings dated 13.02.1989. Once again the said Ramesh obtained permission for construction in the same plot on 27.03.1995. Then the petitioner made a representation on 24.02.1996 with regard to his registered document to the 1st respondent and the 1st respondent through proceedings dated 28.02.1996 stayed the municipal permission and directed the said Ramesh not to make any constructions. The petitioner further submits that with an intention to construct a residential house, he demolished the old house and made an application to the 1st respondent for grant of permission and accordingly,

the 1st respondent granted permission through proceedings dated 14.11.2011. Thereafter, the respondents 3 to 6 approached the 2nd respondent claiming that they are owners of the property and that they have got sada sale deed from one Ramesh. When the petitioner showed the papers of cancellation of ownership certificate and as well as the municipal permission granted to the said Ramesh to the 1st respondent, without considering the same the 1st and 2nd respondents are trying to dispossess the petitioner from the premises in question at the instance of respondents 3 to 6. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 2nd respondent stating that he never tried to dispossess and interfere with the construction activity of the petitioner in the premises in question except registering a complaint in Cr.No.440/2011 on 02.12.2011 against the petitioner basing on the complaint of the wife of the 6th respondent.

Counter affidavit is filed by the respondents 3 to 6 stating that the documents produced by the petitioner does not pertain to the land in Sy.No.87 and the land in Sy.No.87 is a Government land, as such the so called vendor of the petitioner cannot be the absolute owner of the land as alleged by the petitioner.

Learned counsel for the petitioner submits that the petitioner has already completed the building construction as per the permission granted to him.

Sri N.Praveen kumar, learned Standing counsel appearing for the 1st respondent submits that the construction is completed as per the sanctioned plan.

In this case, since the construction is completed as per the sanctioned plan and since it is stated in the counter that the 1st and 2nd respondents never interfered with the construction activity of the petitioner, nothing survives for adjudication in the writ petition, as such, no further orders are required. However, since the respondents 3 to 6 are

claiming the property in question, it is for them to agitate the same in appropriate forum.

With the above observation, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 25.06.2015

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