

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18320 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned counsel for the respondents. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the impugned proceedings dated 30.05.2011, passed by the second respondent in LC1/1402/2011 as illegal and arbitrary and consequently set aside the same.

The averments in the Writ Petition are that the petitioner's husband and another by name Jajula Narasamma are the owners of the property admeasuring Acs.4.20 guntas situated in Survey No.18 of Allapur Village, Balanagar Mandal, Ranga Reddy District. Originally, the said land belonged to one Syed Shah Yahia Alam Khadri. The father in law of the petitioner and father of Jajula Narasamma, namely Maraiah, purchased the property from Syed Shah Yahia Alam Khadri in the name of Balraj and Jajula Narasamma vide sale deed dated 25.11.1959, for a valuable consideration. It is stated that since then the petitioner's family were in possession and enjoyment of the said property. Subsequently, Balraj died and the petitioner became the sole legal representative of late Balraj. In the year 1996, respondent Nos.2 and 3 tried to interfere with the peaceful possession of the said land by the petitioner. Therefore, the petitioner and another filed O.S.No.39 of 1997 before the I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar against respondent Nos.2 and 3 herein, seeking declaration of title, perpetual injunction and rectification of entries in respect of the above said land. However, the said suit was dismissed. Aggrieved by the same, the petitioner and another filed A.S.No.2145 of 2001. This Court allowed the appeal and remanded the appeal to the lower Court, with a direction for fresh disposal of the case in accordance with law and on merits giving opportunity to all the parties in the suit to adduce evidence afresh and that the interim orders which were in force during the pendency of the appeal to be continued till the disposal of the suit. While things stood thus, respondent No.2 issued proceedings dated 30.05.2011, allotting the above land to respondent No.4 for construction of 132/33/11 KV Sub-Station at Allapur Village and Section Office etc., on free of cost. Respondent No.3 was directed to deliver advance possession of the land to respondent No.4. The action of respondent Nos.3 and 4, pursuant to the said impugned proceedings, is the subject matter of challenge in this Writ Petition.

At the time when the matter is taken up for hearing, learned Government Pleader for Revenue submits that the land has already been allotted to respondent No.4, who raised 132/33/11 K.V.Sub-Station. In view of the above, learned counsel for the petitioner submits that he may be given an opportunity to seek compensation in the suit which is pending before the Court below.

In view of the above submission, the Writ Petition is disposed of leaving it open to the petitioner to avail all the remedies available under law. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

17.08.2015
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