

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7943 OF 2015

ORDER:

The Writ Petition is filed seeking a direction to respondent Nos.2 to 5 to remove the structure raised over the agricultural land admeasuring 200 square yards forming part of Survey No.76/AA situated at Aziz Nagar Village, Himayatnagar Mandal, Chevella Division, Moinabad, Ranga Reddy District.

It is the contention of the learned counsel for the petitioner that respondent Nos.6 and 7 have encroached into a portion of the land of 200 square yards in the abovementioned survey number. The petitioner is the adjacent owner owning land of Ac.1.14. The petitioner, having noticed that respondent Nos.6 and 7 have encroached into the land and grabbed 200 square yards from the Western side of the petitioner's property towards main road and constructing a Tin shed with 3 to 4 rooms, had filed L.G.C.No.53 of 2014 before the Special Court, Land Grabbing (Prohibition) Act, Ranga Reddy District. The Court had restrained respondent Nos.6 and 7 from alienating or creating third party interest in respect of 200 square yards of the property. The petitioner submits that respondent Nos.2 to 5 are duty bounded to protect the Government land and they ought not to have allowed respondent Nos.6 and 7 to grab the land and make construction thereon. In addition to the petitioner's representation submitted on 03.01.2015, the petitioner got issued a legal notice to respondent Nos.2 to 5 on 04.02.2015. Alleging inaction on the part of the respondents, the present Writ Petition is filed.

Heard the learned counsel for the petitioner and Sri B.Chinnappa Reddy, learned counsel appearing on behalf of respondent Nos.6 and 7 along with the learned Assistant Government Pleader for Revenue (Telangana).

Respondent Nos.6 and 7 dispute that the subject land is the Government land and the respondents' counsel further submits that the petitioner had filed an injunction suit against respondent Nos.6 and 7 bearing O.S.No.91 of 2012 on the file of the Junior Civil Judge, Chevella, Ranga Reddy District, and the said suit came to be dismissed on 30.01.2014.

Learned Government Pleader submits that it is purely a private dispute and

the respondent-authorities have nothing to do with the dispute and he prays for dismissal of the Writ Petition.

Having considered the respective arguments, I am not inclined to admit the Writ Petition. The pleadings leave no manner of doubt that there is purely a civil dispute between the petitioner and respondent Nos.6 and 7. So far as the petitioner is concerned, the petitioner had already filed suit bearing O.S.No.77 of 2014 and the same is pending on the file of the Junior Civil Judge, Chevella, Ranga Reddy District. The maintainability or otherwise of the said suit in the light of the suit filed earlier, i.e., O.S.No.91 of 2012, which ended up in dismissal, is a matter, which would be considered by the Junior Civil Judge, Chevella, while deciding O.S.No.77 of 2014. Further, the petitioner had already filed L.G.C.No.53 of 2014 alleging grabbing of the land. Until such time, as the matter is decided that respondent Nos.6 and 7 had in fact grabbed the land and considering the fact that constructions have already been made, no order as such can be issued directing respondent Nos.2 to 5 to demolish the structures as the matter is subjudice in L.G.C.No.53 of 2014 and the same is required to be considered by the Land Grabbing Court. The apprehension of the learned counsel for the petitioner that respondent Nos.6 and 7 may seek conversion of agricultural land into a non-agricultural land under the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 ("the Act" for brevity), has no basis for the reason that the subject land, which the petitioner is referring to and the dispute revolves around, is only 200 square yards.

Section 2(a) of the Act reads as under:

2(a) Agricultural means -

- i. the raising of any crop or garden produce; or
- ii. the raising of orchards; or
- iii. the raising of pasture; or
- iv. Hayricks.

Admittedly, as on date, no agriculture as such is being carried on and considering the definition of the agricultural land as defined under Section 2(a) of the Act, 200 square yards of land is not capable of being converted and in that view of

the matter, the apprehension of the petitioner has no basis. I see no reason to entertain the Writ Petition.

Accordingly, leaving it for the parties to work out the remedies in appropriate civil proceedings, both pending or in future, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(CHALLA KODANDA RAM, J)

25th March 2015

RRB