

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.18269 OF 2015

Date:23.06.2015

Between:

Tamatam Vijaya Kumar Goud

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary for Municipal
Administration, Secretariat,
Hyderabad and others

.. Respondents

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ORDER:

The grievance of the petitioner is that he is the owner and is in possession of the land to an extent of Ac.0.20 guntas in Survey No.251/AA1 of Varidyala Village, Kollapur Mandal, Mahaboobnagar District. As early as on 21.10.2013, the petitioner lodged a complaint before the District Collector, Mahaboobnagar District, the 2nd respondent, that his neighbour occupied his land highhandedly and the same was also reported to the Tahsildar, Kollapur Mandal, the 4th respondent, and also to the Surveyor.

He has also requested to conduct survey and fix boundaries. Accordingly, survey was conducted and boundaries were fixed. The petitioner further alleges that the 6th respondent obtained permission on 14.11.2014 to construct building, as per the sanction accorded to him and plot number was shown as 33/3 and survey number as 258/E. Though the permission was granted in Survey No.258/E, the 6th respondent is actually constructing the building in the land belonging to the petitioner in Survey No.251/AA1. Alleging that such illegal construction is taking place, the petitioner complained and since no action is taken, this Writ Petition is filed.

The averments in the affidavit filed in support of the Writ Petition as well as the material papers disclose that there is a dispute between the petitioner and the 6th respondent regarding the extent, ownership and possession of the land. It appears that the petitioner and the father of the 6th respondent were the joint purchasers of the land to an extent of Ac.1.00 in Survey No.251/AA and subsequently each of them have apportioned Ac.0.20 guntas. The material does not clearly disclose that the

6th respondent is encroaching upon the land owned by the petitioner. The petitioner relied upon a panchanama conducted on 28.12.2013. It is not clear from the said panchanama that the

6th respondent was put on notice and he was given opportunity to participate.

Be that as it may, the documents apparently disclose that there is a dispute between the petitioner and the 6th respondent and unless it is established that the 6th respondent is in illegal occupation of the land belonging to the petitioner and the alleged construction is taking place in the land of the petitioner, no further action can be taken by the competent authority. This being a disputed question of fact, this Court cannot go into the disputed questions of fact in writ jurisdiction.

Hence, the Writ Petition is dismissed leaving it open to the petitioner to work out the remedies available under law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand dismissed.

P. NAVEEN RAO, J

23.06.2015

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