

HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION NO.24479 of 2009

Date: 11.03.2015

Between:

B.Srihari Goud, S/o. B.Ramakrishna,
Aged about 30 years, Occu: Business,
r/o.H.No.1-8-127/1, New Dilsukhnagar,
Kothapet, Hyderabad and another

.. Petitioners

AND

The District Collector, Ranga Reddy District
at Lakdikapul, Hyderabad and others.

.. Respondents

The Court made the following:

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ORDER:

The case of the petitioners is, the father of the petitioners purchased house plot to an extent of 616.66 square yards in Sy.No.210 of Dwarakapuram Colony, Kothapet Village, Uppal Mandal, Ranga Reddy District from S.Mangaiah by way of agreement of sale dated 03.01.1994. The said property is vested in Sri Mangaiah by way of gift from the husband of Meka Janakiram (5th respondent). The father of the petitioners executed gift deed on 27.10.2005 gifting two house plots with equal extent of 152.7 square yards, out of 616.66 square yards, in favour of the petitioners. Petitioners constructed houses and have been living in the said houses for a quite long time. In June, 2009 orders were issued directing forcible eviction and taking possession and demolition of the structures. Aggrieved thereby petitioners filed W.P.No.16948 of 2009. This Court by order dated 17.08.2009 granted interim direction to the respondents not to dispossess the petitioners and/or demolish the houses without following due process of law. During the pendency of the said writ petition, in due compliance of the orders, respondents issued notice dated 21.10.2009. The said writ petition was dismissed as withdrawn by order dated 09.03.2015.

2. This writ petition is instituted alleging that notice to dispossess and demolish houses of petitioners while interim order granted by the Court in W.P.No.16948 of 2009 is still in operation is illegal.

3. Learned counsel for the petitioners contend that petitioners' father was a *bona fide* purchaser and such purchase was made in the year 1994. After purchase was made, houses were constructed and petitioners have been living in the said houses for quite a long time. Petitioners come from poor strata of the society and if they are dispossessed at this stage, grave prejudice would be caused to them which is irreversible.

4. Learned Assistant Government Pleader submits that the original owners have succeeded before this Court in W.P.No.20351 of 2003. This Court by judgment dated 28.03.2007 declared the petitioners as owners of the land and all vendors as land grabbers and set aside the judgment rendered in favour of the land grabbers by the Special Court and reliefs sought by the petitioners were granted. Praying to implement the judgment of this Court, the original land owners filed petition for execution before the Special Court and in compliance of the same, the orders were issued in June, 2009. Learned Assistant Government Pleader further contends that having regard to the objection raised by the petitioners in the writ petitions earlier instituted against the orders of June, 2009, notices were issued in October, 2009. He therefore submits that there is no illegality or irregularity in the procedure followed and since it is mandatory for the authorities of the Government to comply with the judgement, there is no option, but to issue impugned proceedings.

5. As seen from the averments of the affidavit filed in support of the writ petition, father of the petitioners was the fifth respondent in L.G.C.No.183 of 1996. Against the judgment

in LGC, original owners of the land, who were petitioners in L.G.C, filed W.P.No.20351 of 2003 and in the said writ petition also, father of the petitioners was also a respondent.

Though S.L.P.No.9258 of 2011 is filed against judgment in W.P.No.20351 of 2003, no stay is granted by Supreme Court. The father of the petitioners being a respondent in W.P.No.20351 of 2003 and having suffered the judgment, it is not open to the petitioners to contend that they cannot be dispossessed or evicted from the property. Since no stay is granted by the Supreme Court in S.L.P.No.9258 of 2011 and is pending consideration by the Supreme Court as stated by the counsel for respondents, petitioners cannot stay put on the property and deny the original owners possession and enjoyment of the land.

In W.P.No.16948 of 2009, the grievance agitated by petitioners was they were sought to be evicted without even issuing a notice. Though petitioners are not entitled to notice as their father was one of the respondents, in due compliance to the orders of this Court, notice dated 21.10.2009 was issued to them granting time for eviction. If the petitioners have any other grievance they should have approached the concerned authority and ventilated their grievances.

6. Having regard to the above, there is no merit in the contentions urged by the petitioners. The writ petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions if any pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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