

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

WRIT PETITION NO.11640 OF 2005

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for the first respondent.

The petitioner states that the paternal grand mother of the petitioner, S.Narasamma, W/o.Chilkaiah, was assigned house site admeasuring 100 square yards in plot No.42 in Treemurthy Nagar Weaker Sections Colony, Pedda Kamela, Survey No.101/2 of Tirumalgiri Village, Hyderabad District, some where in the year 1972. The said plot was developed by the father of the petitioner and he expired later on. Then the property was devolved upon the petitioner. House was constructed on the said land and it is in the possession of the petitioner. Originally, an extent of Acs.3.20 gts in Survey No.101/2 was acquired by the Social Welfare Department for the purpose of granting house sites to the eligible persons and thus, the said site was allotted to the paternal grand mother of the petitioner. In those circumstances, the Mandal Revenue Officer (MRO), Tirumalgiri, came to the site on 21.05.2005 and directed the petitioner to stop constructions made in the dilapidated portion of the old house on the ground that it was allotted to the Education Department. Aggrieved by the same, petitioner approached this Court and filed the present Writ Petition.

The first respondent filed a counter affidavit stating that an extent of Acs.4.05 gts in Survey Nos.100 and 101/2 of Tirumalgiri Village was originally a patta land. The said land was acquired by the Social Welfare Department for allotment of house sites to the landless poor persons. However, an extent of 600 square yards was left over for construction of park and community hall. The petitioner encroached an extent of 100 square yards, which was kept for public purpose and started construction work. In those circumstances only, the construction was stopped by the MRO. Earlier, one

S.R.Satyanarayana encroached an extent of 100 square yards and also applied for regularization of the same. He also filed W.P.No.617 of 2002 and the same was disposed of on 23.01.2002 in favour of the Government. The application for regularization was rejected by the District Level Committee on 08.01.2004. The said land was taken possession by the Government duly conducting panchanama on 22.03.2004. The land held by the petitioner is different and is not concerned with plot No.42. The land of an extent of 272 square yards in Survey No.101/2 of Tirumalgiri Village was handed over to the representative of the District Educational Officer on 16.05.2005 under cover of panchanama for construction of school building.

The second respondent also filed a separate counter affidavit stating that an extent of 272 square yards in Survey No.101/2 was handed over to the Education Department for construction of school building.

In view of the averments made in the counter affidavit of the first respondent that the land held by the petitioner is different from the land that was allotted to the second respondent, this Writ Petition is disposed of with a direction to the respondents to issue appropriate notice to the petitioner in the event of the respondents taking possession of the land of the petitioner for any public purpose. It is open to the petitioner to make his submissions/claim for title when appropriate notice is issued by the respondents. It is submitted by the learned counsel for the petitioner that as on today, the petitioner is in possession of land of an extent of 100 square yards claimed by him pursuant to the patta granted in favour of his paternal grand mother in the year 1972. In view of the same, the possession of the petitioner shall not be disturbed till the proceedings in accordance with law are taken. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**(A.RAMALINGESWARA RAO, J)**

20<sup>th</sup> March 2015  
RRB