

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.24580 of 2009

Date: 11.03.2015

Between:

Gaddam Krishna s/o. Vittal, Aged about 33 years,
Occu: Barber, R/o. Plot No.6 (part), Road No.6,
Dwarakapuram Colony, Dilsukhnagar, Hyderabad,
Ranga Reddy District and others.

.. Petitioners

AND

The District Collector, Ranga Reddy District,
Lakdikapool, Hyderabad and others.

.. Respondents

The Court made the following:

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ORDER:

There are five petitioners in the writ petition. The case of the petitioners is that they have purchased the house plots of 100 square yards insofar as the petitioners 1 to 4 are concerned and 150 square yards insofar as the 5th petitioner is concerned in Sy.No.210 of Kothapet village, Uppal Mandal, Ranga Reddy District. Petitioners claim to be the *bona fide* purchasers and having purchased the plots, they have constructed their houses and have been living in the said houses. Petitioners further contend that they were not made parties before the Special Court in L.G.C.No.183 of 1996 as well as in W.P.No.20351 of 2003, which was filed against the orders in L.G.C. Petitioners have no knowledge of the decision rendered by this Court, whereas even before the L.G.C. was decided, they were put in possession and enjoyment and displacing them at this stage would cause grave hardship and suffering.

2. Earlier in June, 2009, order was passed directing the petitioners to vacate the premises, holding that if not vacated voluntarily the premises would be forcibly taken possession and structures would be demolished. Apprehending that by relying upon such order, petitioners would be dispossessed and the structures would be demolished, petitioners 1 to 3 filed W.P.No.17135 of 2009, 4th petitioner filed W.P.No.19280 of 2009 and 5th petitioner filed W.P.No.18578 of 2009. This Court directed not to demolish the structures and not evict the petitioners there from without following due process of law. Having regard to the direction of the Court not to evict or demolish without following due process of law, on 21.10.2009 notices were issued. Challenging the said notice, this writ petition is filed.

3. Having regard to the fact that notices were issued as directed by this Court, the grievances in the three writ petitions mentioned above do not survive and by common orders those three writ petitions are disposed of.

4. Learned counsel for the petitioners contend that petitioners were *bona fidee* purchasers; that they were not aware of the litigation instituted by the person who claimed to be the original owners of the land, from out of which house plots were made and sold to the petitioners. Petitioners were told that it is not the property belonging to any individual and there is no dispute with reference to the status of the land. Believing the same, petitioners purchased and constructed houses and have been living in their houses for long time. If they are dispossessed at this stage, grave prejudice would be caused to them. Learned counsel therefore submits that it is unjust and inequitable to dispossess the petitioners at this stage. Learned counsel further submits that aggrieved by the judgment of this Court, S.L.P.No.9258 of 2011 is filed and the same is pending consideration by the Supreme Court.

5. 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 of the judgment rendered by this Court 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.

6. In the affidavit filed in support of the writ petition, in para-4 of the affidavit, petitioners have categorically stated that vendor of the petitioners informed the petitioners that it is a Government land and he was in possession for the last so many decades. Even assuming that the petitioners are not aware of the litigation instituted by the original owners of the land in Special Court in the year 1996, and subsequent litigation before this Court, the very admission of the petitioners in this para would show that the land was not having clear title. No person can sell the Government land and, therefore, the very admission of the petitioners would show that the petitioners were aware of the fact that vendor was not having clear title. As seen from the orders passed by this Court, the original owners instituted L.G.C.No.183 of 1996 complaining of unauthorized occupation by the land grabbers claiming themselves as owners and deceiving the innocent people and selling the plots without consent of the original owners. The said LGC was dismissed on the technical ground. This Court allowed the writ petition filed by the owners against decision in LGC. Thus, original owners having succeeded before this Court are entitled to claim possession and enjoyment of the property.

7. Since the vendors vendors of the petitioners having lost the cause before this Court, no title has accrued to the petitioners and that petitioners cannot squat upon the property and deprive the land owners possession and enjoyment of the property. Furthermore, in the S.L.P.No.9258 of 2011 filed against the judgment of this Court, no stay is granted by the Supreme Court. The judgment of this Court rendered in W.P.No.20351 of 2003 has to be complied with and the orders impugned in the writ

petition are only in consequence to the said judgment. I therefore see no error in notice issued on 21.10.2010. Further more, petitioners complained that they were sought to be evicted without even a notice of opportunity in their earlier writ petitions. In due compliance of the directions issued by this Court in those writ petitions, petitioners were put on notice asking them to vacate the premises in issue. If the petitioners had genuine claim and are in possession of documents in their support, they should have approach the competent authority consequent to the notice dated 21.10.2010 showing that they need not to vacate the premises and premises belong to them. Without availing opportunity provided to them, they invoked the jurisdiction of this court.

8. I therefore see no error in the action initiated by the authorities warranting interference by this Court. The writ petition is accordingly dismissed. However, it is open to the petitioners to work out their remedies. There shall be no order as to costs.

Miscellaneous petitions if any pending in the writ petition shall stand closed.

Date : 11.03.2015
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JUSTICE P.NAVEEN RAO

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