

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 14644 of 2011

ORDER:

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With the consent of both the parties, the main writ petition is disposed of at the admission stage.

Heard learned counsel for the petitioner, learned Standing Counsel for the fifth respondent and also Government Pleader for Revenue.

The present writ petition came to be filed seeking issuance of a writ of mandamus directing the respondents not to interfere with the possession and enjoyment of the petitioner in respect of land admeasuring 242 square yards in Sy.No. 647, 650 and 651 of Ursu Village, Warangal District; and to declare the action of the respondents in dismantling the structures in the said plot, as illegal, arbitrary and improper.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioner claims himself to be the absolute owner and possessor of the land admeasuring 242 square yards in Sy.No. 647, 650 and 651 of Ursu Village, Warangal District, having purchased the same under a registered sale deed No. 2530 of 2002 dated 14.05.2002 from her vendors namely Valasa Manikyam, Balne Rajyalaxmi and Mandala Jagannadham. Thereafter, the petitioner raised constructions over the said plot by investing Rs.2,60,000/-. On 07.05.2011 the staff of fifth respondent suddenly dismantled the constructions made without issuing any notice. It is stated that on 16.12.2004 the petitioner made a representation before respondent Nos.2 to 5 stating that the land

being a patta land the same should not be allotted to others. But the same is pending consideration. It is stated that the vendors of the petitioner along with five other persons filed O.S.No.297 of 2003 against respondent Nos.1 to 3 herein and the same was decreed on 15.04.2000. The schedule property in the said suit is Ac.1.23 guntas. The plot of the petitioner was part of the said schedule property therein. The defendants therein carried the matter in appeal vide A.S.No.116 of 2000 and the same was allowed on 19.07.2003. Aggrieved by the same, the vendors of the petitioner preferred second appeal vide S.A.No.882 of 2003 before this Court. Initially, by an order dated 17.10.2003 this Court granted interim stay but subsequently the same was modified to an order of status-quo. The said second appeal is still pending. It is stated that as the respondents have no right or authority to interfere with the possession of the petitioner over the said plot till the disposal of the second appeal, the present writ petition is filed.

Learned Standing Counsel appearing for the fifth respondent on oral instructions stated that the allegations made in the writ petition are all incorrect. The respondents never interfered with the possession of the petitioner over the said property. Insofar as the relief with regard to seeking compensation for demolition of the structures is concerned, it is stated that the petitioner has to approach appropriate civil Court seeking damages if any.

Insofar as the interference is concerned, the counsel for the petitioner submits that though it is a private land, the respondents are illegally interfering with the possession and enjoyment of the petitioner over the property, which is denied by the fifth respondent.

Without going into the merits of the case and having regard to the facts and circumstances of the case, the fifth respondent is directed not to interfere with the possession of the petitioner in respect of the

land admeasuring 242 square yards in Sy.No. 647, 650 and 651 of Ursu Village, Warangal District, without following the due process of law.

With the above direction, the writ petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29.07.2015

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