

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

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**WRIT PETITION No.12306 of 2005**

**ORDER:**

Heard the learned Counsel for the petitioners.

This Writ Petition was filed seeking a direction to the respondents to pass orders on the representation submitted by the petitioners and challenging the action of the respondents in trying to evict the petitioners without following due process of law.

Though the representation relates to House No.10-2-41/A admeasuring 839.35 square metres, this Court, by interim order dated 10.06.2005, granted interim stay only to an extent of 120 square yards in T.S.Nos.21, 20 and 19 of Ward No.38, Block-L of Mallepally Village, Asifnagar Mandal in Hyderabad District.

The third respondent filed a counter affidavit stating that the property claimed by the petitioners is situated in T.S.No.21, Block-L, Ward No.38 of Mallepally Village, Asifnagar Mandal in Hyderabad District, and as per TSLR, the schedule property is recorded as “G Non-ISF” land admeasuring to an extent of 602.70 square metres. The petitioners have encroached upon the land to an extent of 174 square metres, wherein a house is existing and they erected a thatched wall around the G-Non ISF land and the rest of the land to an extent of 427 square metres is vacant on ground. The land belongs to the Government, and out of the balance extent of land, an extent of 236 square metres was proposed for public auction. Auction was held on 29.07.2005 and one Sri M.A.Raheman purchased the land @ Rs.7,500/-per square yard.

The case of the petitioners is that upon representation of the father of petitioners 2 to 8, about 70 square yards of land was allotted in his favour under patta certificate No.F1/27436/75 by the then Collector.

A lease deed was also executed in July, 1968, and he was allowed to construct a house upon payment of regular leasehold amount. He constructed a house after obtaining necessary permissions from the municipal and other authorities. The house was allotted Municipal No.10-2-41/A. Now the averments in the counter affidavit disclose that the respondents have put the land of an extent of 236 square metres for public auction out of 602.70 square metres of land. The entire land is claimed by the Government.

Though the Writ Petition was filed for a direction to the respondents to dispose of the representation dated 16.03.1983, after about twenty years this Court is not inclined to grant any relief to the said effect. However, it is open to the petitioners to submit a fresh representation to the concerned authorities with regard to their possession of the land where a house was constructed by the father of petitioners 2 to 8 and where they are residing, if there is any threat of eviction. If the respondents want to take possession of the property in the possession of the petitioners, they have to follow due process of law.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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

06.03.2015  
vs