

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19995 of 2015

Date: 02.07.2015

Between:

Avari Rangaiah s/o. Mallaiah, Aged about 49 years,
R/o.H.No.2-2-34/1, Besta Bazar, Mahaboobabad,
Warangal district and another.

.... Petitioners

AND

The State of Telangana, rep.by its Principal Secretary,
Municipal Administration Department and Urban
Development Department, Secretariat, Hyderabad
and others.

.. Respondents

The Court made the following:

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ORDER:

Petitioners claim to be the owners of house premises bearing Nos.1-6-159/72/A and 1-6-159/72/A/2 situated at Giriprasad Nagar Colony in Mahabubabad Municipality, Warangal District. Petitioners allege that in between two houses there was an open place belonging to them and they have constructed a wall for protection of the said extent of land and ensuing privacy between the buildings. While so, Mahabubabad Municipality and Tahsildar, Mahabubabad Mandal, respondents 2 and 3 respectively, illegally demolished the wall so constructed on 25.05.2015 ignoring the protest alleged by the petitioners and now intending to lay a road in the said open place between the two houses of the petitioners. Aggrieved by the same, this writ petition is instituted.

2. Learned counsel for the petitioners contends that the said open place belongs to the petitioners and it is not a passage and, therefore, question of laying a road on the said open place is illegal. He further contends that if the respondent-corporation is in need of this piece of land for laying a road, it must follow due process of law before taking possession and laying a road. He further submits that on 01.06.2015 a representation was submitted against the dismantling of wall and laying of a road. So far the same is not disposed of.

3. As seen from the averments made in the affidavit filed in support of the writ petition, it is clear that petitioners are owners of their respective houses. Incidentally, there was a piece of land in between

the two houses. It appears that this piece of land was earmarked for a road, but illegally a wall was allegedly constructed. Though no material is filed to show that wall was constructed, but it is further alleged that said wall was dismantled by the respondents 2 and 3 and a road being laid. Assuming that what is stated in the affidavit is true on construction of wall and dismantling, if the said piece of land do not belong to the petitioners, the question of petitioners constructing a wall does not arise and, therefore, it is validly dismantled. No material is placed on record to show that this extent of land belongs to the petitioners. Even according to the representation of the petitioners dated 01.06.2015, petitioners only wanted the authorities to grant patta on the said extent piece of land. It would show that petitioners do not have patta on the said extent piece of land. Therefore, the claim made by the petitioners and relief sought in the writ petition cannot be granted. However, it is open to the petitioners to avail appropriate remedies as available in law to establish their title over the extent of land between two houses which they claim as belonging to them.

4. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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