

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.13247 of 2014

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Between:

Mr. Mohd. Yaqoob Quadri

PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its Principal Secretary, Department of Revenue, Secretariat, Hyderabad, and another.

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief:

“...Issue any Appropriate Writ or Order or Direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd Respondent in trying to dispossess the petitioners from their property bearing no.10-3-761/7/1/A & 10-3-761/7/1/B, admeasuring 808.54 Sq. yards, situated at Vijay Nagar Colony, Hyderabad as illegal, arbitrary and In violation of the Principles of natural justice besides being violative of Articles 14, 21 & 300-A of the Constitution of India and consequently direct the respondents not to interfere with the petitioners property bearing No. 10-3-761/7/1/A & 10-3-761/7/1/B, admeasuring 808.54 Sq. yards, situated at Vijay Nagar Colony, Hyderabad and to pass...”

The case of the petitioner is that he purchased the scheduled property bearing No.10-3-761/7/1/A & 10-3-761/7/1/B, admeasuring 808.54 sq. yards situated at Vijay Nagar Colony, Hyderabad, through registered sale deed dated 31.03.2008, constructed a shed and established his own foot ware business in the said property under the name and style of M/s. Rich Plaza Agencies, Hyderabad and R.P. Transport Tours & Travels, after obtaining necessary permissions from the authorities concerned, and since then he was in peaceful possession and enjoyment of the said property. He also got mutated his name in the revenue records. While so, on 15.04.2014 the 3rd respondent along with his staff came to his property and threatened to evict him from the premises in question on the ground that the premises was constructed on the Government land. Apprehending dispossession, the petitioner moved this Court by filing the present writ petition.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (A.P.) for respondents.

The 3rd respondent-Tahsildar, Asifnagar Mandal, filed counter affidavit stating that as per the TSLR records, in column No.10 the property in question was recorded as “ABADI” and in column 20 it was recorded as “G” to an extent of 2190.00 sq. mts., and as per G.O.Ms.No.1039, Revenue & Department, dated 13.09.1972 also the land in question is Government land. It is further stated that the sale deeds executed by the petitioner and the water and electricity connections obtained by the petitioner mutating his name in respect of the land in question do not confirm any right title over the property as it is purely Government land. It is also stated that suppressing the fact that there are multiple claims on the subject land between Trimurthy and Mohd Yaqoob Quadri; that both the parties filed complaints against each other in Police Station, Humayun Nagar; and that a case in F.I.R.No.329/2014, dated 31.08.2014 under Section 107 Cr.P.C. of Humayun Nagar Police Station has also been registered, the petitioner filed the present writ petition. It is further denied that the respondent authorities are in no way interfered with the alleged possession of the petitioner, and prayed to dismiss the writ petition.

In the light of the respective submissions made by both the parties and considering the fact that the petitioner is claiming right over the property in question based on the registered sale deed dated 31.03.2008, I deem it appropriate to direct the respondent-authorities not to interfere with the possession and enjoyment of the petitioner’s property bearing No.10-3-761/7/1/A and 10-3-761/7/1/B situated at Vijay Nagar Colony, Hyderabad, without following due process of law. However, the respondent-authorities at liberty to take necessary steps in accordance with law to establish that the land in occupation of the petitioner is Government land, including the proceedings under Land

Grabbing Act.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

13th April, 2015
Js.