

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION NO.37719 of 2014**

**ORDER:**

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue (Telangana) for the respondents.

This writ petition is filed to declare the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner over the house property bearing No.6-2-109/1 (part), admeasuring 250 sq. yards, situated in Sy.No.535 of Mahabubabad Village and Mandal, Warangal District as arbitrary and illegal.

The case of the petitioner is that he obtained construction permission from the Municipality vide proceedings Roc No.777/2014, dated 06.06.2014 and constructed a house bearing D.No.6-2-109/1. The main grievance of the petitioner is that the respondent authorities are interfering with his peaceful possession and enjoyment of the said property and are threatening to dispossess him from the property without any authority and without following due process of law.

This Court on 16.12.2014 passed interim order directing the petitioner not make any further constructions in view of the statement furnished by the Tahsildar, Mahabubabad stating that the land in question is, in fact, Government land and the possession was also handed over to the VI Additional District Judge, Mahabubabad, for construction of residential quarters for Judicial Officers. However the petitioner was given liberty to approach the concerned authority for survey and demarcation of the private land from that of the Government land.

The learned Government Pleader produced a copy of the written instructions dated 10.12.2014. It is stated in the instructions that the petitioner's land is adjacent to the Government Matruka Land (without survey number) and the same is situated behind the Court at

Mahabubabad Village and Mandal. The Instructions also state that the land has been handed over to the VI Additional District Judge for construction of Judicial Officers Quarters, Mahabubabad. Along with the said instructions a sketch plan is also enclosed.

However, the learned counsel for the petitioner categorically asserts that the house of the petitioner is situated in Sy.No.535 and he is not claiming any right over the Government Matruka property.

Considering the rival submissions and the interim order passed by this Court on 16.12.2014, I deem it appropriate to direct the authorities to get the survey done with respect to the land of the petitioner vis-à-vis the Government Matruka property. The counsel for the petitioner submits that the petitioner is willing to pay the costs that may be incurred for conducting survey.

Accordingly, the writ petition is disposed of with a direction to the respondents to conduct survey and demarcate the property of the petitioner as well as the Government Matruka property, which is said to have been earmarked for construction of Judicial Officers Quarters. This exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

Considering the fact that the land has already been allotted for the purpose of construction of Judicial Officers Quarters, the learned Government Pleader shall personally communicate this order to the respondent-authorities by way of letter to enable them to take expeditious action. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**CHALLA KODANDA RAM, J.**

21<sup>st</sup> January, 2015  
Js.