

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 19264 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned counsel for respondents.

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

The present writ petition is filed seeking issuance of a writ of mandamus to declare the action of the respondent authorities in threatening to dispossess the petitioner from his plot admeasuring 430 square yards situated in Sy.No.246 at Enumamula Village, Hanamkonda Mandal, Warangal District, without issuing any notice and without following due procedure, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to dispossess the petitioner or in any manner interfere with the possession and enjoyment of the petitioner in respect of the above said plot.

The averments in the affidavit filed along with the writ petition would show that the petitioner purchased an open plot admeasuring 430 square yards situated in Sy.No.246 of Enumamula Village, Hanamkonda Mandal, Warangal District, by way of a registered sale deed bearing No. 5590 of 2010 dated 06.10.2010 from its lawful owner Sri Afroz Khan. It is stated that since then, the petitioner is in peaceful possession and enjoyment of the said property. While things stood thus, the subordinates of the respondent authorities visited the plot in the last week of

June, 2011 and started taking measurements. On coming to know about the same, the writ petitioner rushed to the spot and questioned the authorities about their illegal activities. Stating that the land of the petitioner was a sikham land they threatened to dispossess him from the said land. Subsequently, the writ petitioner approached the third respondent and made enquiries. The officials in the office of third respondent furnished a copy of letter dated 19.05.2010 addressed by the third respondent to the District Registrar, Warangal, requesting him not to register the sikham lands which were made into plots. Along with the said letter, the third respondent furnished a list of sikham lands. It is stated that as per the list, Sy.No.246 is not reflecting and the respondent authorities have no manner of right or authority to interfere with the peaceful possession and enjoyment of the land by the petitioner. The averments in the petition show that though the petitioner has purchased the plot from his vendor vide document dated 06.10.2010, the authorities are illegally interfering and threatening to dispossess the writ petitioner from the plot. Hence, the present writ petition.

Learned counsel for the third respondent, on instructions, states that the petitioner cannot be in possession of the land as the land is a sikham land. She submits that the alleged registration of the said land made earlier is illegal and without any basis. However, on 13.07.2011 this Court while issuing notice before admission directed the respondents not to dispossess the petitioner without following due process of law. It is stated by the learned counsel for the petitioner that since then the writ petitioner is in possession of the said land.

Without going into the merits of the case and having regard

to the circumstances stated above, the writ petition is disposed of directing the respondents not to dispossess the petitioner in respect of the above land without following due process of law.

No order as to costs.

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

**JUSTICE C. PRAVEEN
KUMAR**

21.07.2015

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