

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37045 of 2015

-
15.12.2015

Between:

V.Narasamma

.. Petitioner

and

The State of Telangana, represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.Daraboina Subramanyam

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for respondent No.2: --

-
The Court made the following:

-

-

-

-

-

-

-

-

ORDER:

The petitioner averred that she has purchased property admeasuring 1,215 sq.yds. in survey No.430/4 (new survey No.403/120/3) of Shaikpet Village, Golconda Mandal, Banjara Hills, Hyderabad, under an agreement of sale and that when certain third parties tried to interfere with her possession, she has filed O.S.No.3517 of 2010 on the file of learned VII Junior Civil Judge, City Civil Court, Hyderabad, for permanent injunction and the learned Judge has dismissed the said suit holding that the petitioner has no title. The petitioner further averred that an appeal has been filed against the said judgment, which is pending and that her application filed on 30.12.2014 for regularization was rejected by respondent No.1 based on the judgment of the civil Court. The grievance of the petitioner in this writ petition is that without following due process of law, respondent No.2 Corporation has been trying to raise constructions over the aforesaid property.

Mr.P.Kesava Rao, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent No.2 Corporation, on instructions, submitted that the subject property belongs to the Government, that the same was handed over to the Corporation for development of a model municipal market at Shaikpet, Gayathri Hills, Hyderabad, and that in pursuance thereof, the Corporation has been proceeding with construction of the model municipal market. He has denied the plea of the petitioner that she is in possession of the subject property.

From the fact that the petitioner has not succeeded before the civil Court in getting her right declared over the subject property shows that as of now, she has no title over the same. As regards the possession, except her *ipse dixit*, no evidence has been filed by the petitioner in support thereof. Though she has filed some photographs,

they do not *per se* prove her possession over the subject property.

In the above view of the matter, I do not find any merit in the writ petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.47701 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

15th December, 2015

GHN