

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WEDNESDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.30290 of 2015

Between:

Katike @ Agaldiviti Gandhi,
S/o. Baloji, Aged about 45 years,
R/o. H.No.8-67/1, Lingareddypet Village,
Yellareddy Mandal, Nizamabad District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Prl. Secretary,
Panchayat Raj Department,
Secretariat, Hyderabad & 6 others

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Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30290 of 2015

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India to declare the action of respondents 1 to 5 in not taking any action to stop the illegal and unauthorized construction of compound wall made by the 6th respondent encroaching the premises of the petitioner bearing H.No.8-67/1 in Survey No.822 of Lingareddypet Shivar of Yellareddy Mandal, Nizamabad District, without issuing any notice and without following the procedure contemplated under the Statue in spite of the written representation, dated 05.09.2015, as illegal and arbitrary and to consequently direct respondents 1 to 5 to stop the 6th respondent from constructing the compound wall by encroaching the petitioner's property mentioned above.

2. Learned counsel for the petitioner alleges that the petitioner is in possession and enjoyment of premises bearing House No.8-67/1 in Survey No.822 of Lingareddypet Shivar, Yellareddy Mandal, Nizamabad District. Learned counsel for the petitioner contends that the property is a plot which is allotted to the petitioner and while so, illegally the Fire Services Department (represented by the 6th respondent) is now undertaking construction of a compound wall affecting the property of the petitioner. Alleging such action of the

respondent authorities as illegal, this writ petition is filed.

3. When the matter is taken up, learned Assistant Government Pleader for Home produced written instructions furnished by the Station Fire Officer, Yellareddy Mandal, Nizamabad District (6th respondent). The instructions would disclose that in the year 1985, the Government sanctioned establishment of Fire Station for Yellareddy Mandal and financial sanction was also granted. Consequently, the District Collector, Nizamabad District (2nd respondent), allotted Ac. 1.21 guntas of land in Survey No.822 PP at Lingareddypet Village for construction of new Fire Station and the land was handed over to the Department by the Mandal Revenue Officer and the District Revenue Officer for construction of Fire Station. The building was constructed and Fire Station was shifted in the year 1991. Initially, there was no compound wall. Later the sanction is accorded for construction of compound wall and, accordingly, the 6th respondent has taken steps to construct a compound wall within the land allotted to the Fire Services Department. Learned Assistant Government Pleader for Home also produced the proceedings of the Tahsildar, Yellareddy Mandal, Nizamabad District (5th respondent), dated 22.08.2015, rejecting the request of the petitioner for regularization of the occupation of the petitioner of the subject property. He, therefore, submits that the petitioner has no manner of right to protest against construction of a compound wall on property is allotted to the Fire Services Department.

4. As seen from the proceedings of the Tahsildar, Yellareddy Mandal, Nizamabad District (5th respondent), the request of the petitioner for regularization of his illegal occupation is rejected. As per the instructions of the Station Fire Officer, the subject land is allotted to the Fire Services Department and it appears that the compound wall is being constructed within the land allotted to the Fire Services Department. I, therefore, see no merit in the writ petition and the writ petition is liable to be dismissed.

5. The Writ Petition is, accordingly, dismissed, leaving it open to the petitioner to work out his remedies, if he is aggrieved by the proceedings of the Tahsildar, Yellareddy, Nizamabad District (5th respondent). There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 28th October, 2015

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