

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

WRIT PETITION No. 19164 of 2011

Between:

P. Srinivasa Raju and others

.. Petitioner

and

The Tahsildar, Qutubullapur Mandal,
Nizampet Village, R.R.District and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 19164 of 2011

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ORDER:

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Heard learned counsel for the petitioner, learned Government Pleader for Revenue appearing for the 1st respondent and learned standing counsel for the 2nd respondent. With the consent of the parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed seeking issuance of writ of Mandamus directing the respondents not to dispossess the petitioners from their plots in survey No.109 situated at Nizampet Village, Qutbullapur Mandal, R.R. District, without following the due process of law.

The averments in the writ petition are as under:

The 1st petitioner is the absolute owner and possessor of plot Nos.116, 117, 118, 119, 120, 121 and 122 total admeasuring 1400 square yards. in survey No.109 situated at Nizampet Village, Qutbullapur Mandal, R.R. District. He is said to have purchased the said land from the lawful owner by name M.Ravinder Reddy, through his G.P.A. holder by virtue of a registered sale deed bearing document No.20627/2005, dated 24.12.2005. It is stated that thereafter the petitioner sold Plot Nos.116, 120, 121 and 122 total admeasuring 900 square yards to some third parties by virtue of registered sale deeds and he is in possession of the remaining plots.

Similarly, the 2nd petitioner is the owner of plot No.107, admeasuring 200 square yards by virtue of a registered sale deed bearing document No.5289/2006 dated 09.03.2006, the 3rd petitioner is the owner of plot No.42 admeasuring 200 square yards by virtue of a registered sale deed bearing document No.7958/2006 dated 03.04.2006, the 4th respondent is the owner of plot No.1 admeasuring 200 square yards by virtue of a registered sale deed bearing document No.5842/2006 dated 13.03.2006 and the 5th petitioner is the owner of plot No.116 and part of plot No.117 admeasuring 200 sq.yards and 100 sq. yards by virtue of two registered sale deeds bearing document Nos.6054/2006 dated 14.03.2006 and 2386/2011 dated 23.03.2011 respectively. All the said plots are situated in survey No.109 of Nizampet Village, Qutbullapur Mandal, R.R. District. It is stated that since the date of purchase, the petitioners 2 to 5 are in peaceful possession of their respective plots.

According to the petitioners, their vendor M.Ravinder Reddy purchased the land admeasuring Ac.03-00 guntas from E.Indrasena Reddy, who is a freedom fighter, by virtue of a registered sale deed. The said Indrasena Reddy was a freedom fighter and he was allotted land to an extent of Ac.07-36 guntas in survey No.109 by the then Tahsildar, Medchal on 16-09-1979 and thereafter, his name was also mutated in the revenue records apart from issuing pattadar passbooks and title deeds by the 1st respondent.

While things stood thus, the Tahsildar and the Village Revenue Officer are alleged to have gone to the plots, which is the subject-matter of the present writ petition, in the month of June, 2011 and threatened to dispossess the petitioners from the said plots. Challenging the action of the respondents in trying to dispossess the petitioners without following the due process of law, the present writ petition is filed.

The 2nd respondent filed his counter denying the interference in the property of the petitioners. No counter is filed on behalf of the 1st respondent.

On 08-07-2011, this Court while issuing notice before admission granted interim direction as prayed for, by the petitioners in the writ petition, namely- directed the respondents herein not to dispossess or in any manner interfere with the possession and enjoyment of the petitioners in respect of their plots in survey No.109, situated at Nizampet Village, Qutbullapur Mandal, R.R. District.

It is stated by the learned counsel for the petitioners that the petitioners are in possession of the land and that efforts are being made to dispossess them in one way or the other. The Government Pleader submits that no coercive steps will be taken against them without following the due process of law as they are in possession since last 10 years.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of by directing the 1st respondent not to interfere with the possession of the petitioners over the land admeasuring 500 sq.yards in plot Nos.117, 118 & 119; 200 sq. yards in plot No.107; 200 sq. yards in plot No.42; 200 sq. yards in plot No.1; and 300 sq. yards in plot Nos.116 and 117(P), respectively, in survey No.109 situated at Nizampet Village, Qutbullapur Mandal, R.R. District, without following the due process of law.

Consequently, miscellaneous petitions pending if any in the writ petition shall

stand closed.

JUSTICE C. PRAVEEN KUMAR

27th July, 2015

cbs

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