

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.22279 of 2014

ORDER:

Heard the learned Counsel for the petitioners and the learned Standing Counsel for the third respondent.

It is the case of the petitioners that shops were constructed by petitioner Nos.2 to 15 on the road margin in Survey No.134 in an extent of Acs.5.31 guntas, which originally belonged to one Padma Rao, S/o.Vardharajulu. Though the shops were constructed in the year 1960 and some of the original owners expired, their legal heirs continued to be in possession of the shops. It is their further case that during the year 1990, the Commissioner of Municipal Council issued notices to them for collection of property tax. When the third respondent tried to interfere with their possession, the present Writ Petition was filed.

A counter affidavit is filed by the third respondent denying the above allegations of the petitioners and stated that the land admeasuring Acs.5.31 guntas in Survey No.134 belongs to the Agricultural Market Committee, Vikarabad, and as per the pahani issued by the Deputy Tahsildar, Vikarabad Mandal, Ranga Reddy District, on 09.09.2014, the said land stood in the name of the Secretary, Agricultural Market Committee, Vikarabad. It is their further case that the Gram Panchayat, Vikarabad, had handed over an area of 59,985.6 square yards i.e., Acs.22.04 guntas as on 10.03.1965. Thus, the shops of the petitioners are located in the land belonging to the third respondent. The Commissioner & Director of Agricultural Marketing, Hyderabad, accorded sanction for construction of ten shops in the place occupied by the petitioners by erecting temporary sheds. On 22.06.2014 a circular notice was issued to the petitioners informing about the development works to be taken up for the benefit of the farmers coming to the market yard.

This Court did not pass any order on 06.08.2014 when the Writ Petition was listed

for admission. But, on 22.01.2015 this Court directed the parties to maintain *status quo*.

Now, the learned Standing counsel for the third respondent submits that the petitioners were evicted from the land and construction of shops by the third respondent was commenced. But, the learned Counsel for the petitioners denies the receipt of any notice issued to the petitioners, but he does not dispute with regard to the demolition of the sheds erected in the land belonging to the third respondent.

In the circumstances, this Court sees no reason to entertain the Writ Petition, and the Writ Petition is dismissed. However, the petitioners are given liberty to take appropriate proceedings against the third respondent, if they are so aggrieved. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.06.2015

Note: Issue C.C in one week.

B/o.

vs

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