

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22160 OF 2016

ORDER :

It is the case of the petitioners that they are the owners of the agricultural land admeasuring Acs.19.07 guntas in Sy.No.22, situated at Mallapur Village, Balanagar Mandal, Hyderabad East, Ranga Reddy District, which was acquired by the petitioners from Syed Hasham Hussaini, by virtue of Gift Deed dated 26.03.1972 and also having physical possession of the property since then. The petitioners' grandfather was cultivating the property and his name was also reflected in the revenue records since 1954-1955. Subsequently, the petitioners' grand father died on 03.04.1977. Since then, the petitioners are continuing the cultivation of the agricultural land. Thereafter, the respondents 3 and 4 failed to record the same, as such, the mother of the petitioners made a reminder letter dated 19.06.1985 and the application is pending before the authorities. On 03.01.2015, the respondent authorities tried to dispossess the petitioners from the subject property, inspite of showing the registered Gift Deed dated 26.03.1972. Though the GPA of the petitioners gave representation on 04.01.2016 to the 2nd respondent by referring the earlier representation to issue pattadar passbook, pahanies and title deed in respect of the subject land, the same was not considered by the respondents. When the respondents are trying to dispossess the petitioners, their mother filed W.P.No.11289 of 2016 , wherein this court passed an order dated 16.04.2016 directing the respondents to consider the application of the petitioners dated 04.01.2016, within a period of eight weeks from

the date of submission of application. As no action is being taken, the present writ petition is filed.

Along with the writ petition, the petitioner also filed WPMP No.32259 of 2016 seeking permission to file additional material papers, stating that the petitioners' grand mother filed W.P.No.84 of 2015 and this Court granted interim orders on 13.01.2015 in W.P.M.P.No.91 of 2015 in W.P.No.84 of 2015, with direction not to interfere with the possession of the petitioner in respect of the subject property without following due process of law. However, the aforesaid fact was not mentioned in the affidavit of the present writ petition.

If the petitioners' grand mother filed writ petition W.P.No.84 of 2015 and this Court granted interim order, the petitioners should have come on record in W.P.No.84 of 2015 itself, after the demise of their grandmother Kukkala Balamma. Instead of doing so, they filed the present writ petition.

Without expressing any opinion on the merits of the case, only on the ground that earlier W.P.No.84 of 2015 is filed by the petitioners' grand mother is pending in respect of same subject matter and without coming on record in the said writ petition, present writ petition is filed, which is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stands dismissed.

A.RAJASHEKER REDDY, J

27.08.2016
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22160 OF 2016



Date: 27.08.2016

kvs

