

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT APPEAL No. 968 of 2007

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 9837 of 2007 dated 30.8.2007. The petitioner, a society registered under the Societies Registration Act, invoked the jurisdiction of this Court complaining that respondent Nos. 1 to 4 were trying to demolish the houses and dispossess its members from the land in Survey Nos. 65 to 77, 82, 122 and 123 (part) of Saidabad Village and Mandal, Hyderabad District, without following the procedure established by law.

In the order under appeal, the learned Single Judge noted the contentions, urged on behalf of the petitioners, that houses were constructed under the Valmiki Ambedkar Yojana (VAMBAY) Scheme; 1792 persons were accommodated in the apartment blocks of one plus three in an extent of Acs.7.00; they were also given possession; some of the persons could not get houses; and the respondents came with police, and sought to dispossess them. The learned Single Judge also noted the submissions, urged on behalf of the 5th respondent that necessary action was being taken against the encroachers; and the remedy of the writ petition was not proper against the 5th respondent.

After taking note of the averments in the counter-affidavit filed by the Tahsildar as well as the 5th respondent, the learned Single Judge observed that even according to the petitioner, when a large number of huts were gutted in the fire accident, the

Government had constructed houses under the VAMBAY scheme, and had allotted them to 1792 persons; if the members of the petitioner were also identified to be eligible for such allotment, they had to approach the Government for allotment of suitable land for construction of houses under the said scheme; they could not seek any remedy before this Court against the 5th respondent in whose favour the Government had allotted the land under Section 20(1)(b) of the Urban Land (Ceiling and Regulation) Act, 1976; and, as the land was private land, the petitioner could not approach this Court and seek a remedy, more so as the Tahsildar had admitted that it was not Government land.

Sri P. Sri Raghuram, learned counsel for the appellant, would submit that it is because its members were sought to be dispossessed, from the subject land by Government officials, had they invoked the jurisdiction of this Court; and they would avail their remedies against the 5th respondent before the competent Civil Court.

Both the learned Government Pleader for Revenue (Telangana) and Sri N. Sreedhar Reddy, learned counsel for the 5th respondent, would submit that the members of the petitioner-society had encroached upon the land allotted to Roudri Cooperative Society; as a large number of huts were gutted in the fire accident, the Government officials had sought to prevent the subject land from encroachment; and, in any event, the petitioner's remedy was to approach the competent Civil Court in this regard.

As has been noted in the order under appeal, once the land is admitted to be private land, the petitioner cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of

India to restrain the unofficial respondents from interfering with their alleged possession as disputed questions of title and possession would, ordinarily, not be examined in proceedings under Article 226 of the Constitution of India. If the submissions, urged on behalf of the respondents, were to merit acceptance, the relief sought for in the Writ Petition is also against Roudri Cooperative Society without their been arrayed as respondents in the Writ Petition.

Be that as it may, since the land is admitted to be private land, the *inter-se* disputes between the petitioner on the one hand, and the Roudri Cooperative Society and the 5th respondent on the other, can only be adjudicated by a competent Civil Court. In such private disputes, revenue officials ought not to interfere, save on being directed to do so by a competent Court or are so authorized by law.

Subject to the aforesaid observations, we see no reason to interfere with the order under appeal. The writ appeal fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A. SHANKAR NARAYANA, J)

9th November, 2016

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