

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20014 of 2012

ORDER:

The petitioners claim to be the absolute owners and possessors of Plot Nos. 7 (part), 8 and 9 (part), admeasuring 420 square yards situated in Sy.No.83 of Lingoiguda, Saroornagar, Hyderabad. The original owners of the land in Sy.No.83 converted the same into house site plots and alienated to several intending purchasers. The petitioners herein purchased the aforesaid plots by way of registered sale deed document Nos. 3160/1993, 8077/1993 and 8743/1993, dated 02.04.1993, 04.08.1993 and 13.08.1993 respectively. It appears that a notification under Section 4(1) and declaration under Section 6 of the Land Acquisition Act were issued for acquiring the land in Sy.No.83, admeasuring 0.13 guntas and Sy.Nos.263 to 303, admeasuring Ac.2.29 guntas. But subsequently land in Sy.No.83 was deleted from the acquisition. When the petitioners found fencing their plots, they submitted a representations to the respondents claiming compensation over the land in Sy.No.83, on which, the third respondent submitted a report to the first and second respondents to the effect that the plots in Sy.Nos.83 could not come under the acquisition. However aggrieved by the action of respondents in fencing their plots without following the due procedure under law, the present Writ Petition is filed.

It is the case of petitioners that the land in Sy.No.83 is purely a private patta land and without initiating acquisition proceedings, the respondents cannot interfere with their subject plots.

The fourth respondent filed a counter affidavit stating that without taking requisite permission from the competent authority, the petitioners have converted the land into plots and even made constructions over said plots without obtaining building permission. As the claim of petitioners is over the tank bed land, as per G.O.Ms.No.86, MA & UD Department, dated 3.3.2006, no building or development activity shall be allowed in the bed of water bodies like river, nala and in full tank level of any lake. The then L.B.Nagar Municipality which is now merged in GHMC (Greater Hyderabad Municipal Corporation) has formed a ring bund during the year 1999 around the Lake situated in Lingoijiguda village, Saroornagar Mandal. It is further stated that exact location of the plots claimed by the petitioners in Sy.No.83 is not known and in the absence of approved layout, it is difficult to locate the plots claimed by them. The petitioners have to approach the competent Civil Court having regard to the lis involved in the Writ Petition.

The petitioners have filed copies of registered sale deeds of 1993 evidencing purchase of subject property. However, the petitioners did not file a copy of the declaration issued under Section 6 of the Land Acquisition Act showing inclusion of their

plots in acquisition proceedings. Now the apprehension of the petitioners is that without acquiring their land by initiating proceedings under the Land Acquisition Act or any other law, the respondents are interfering with their possession. When the petitioners are claiming title to the land in question, it is needless to observe that no one should interfere with it without following due procedure laid down under law. If there is any interference, it is left open for the petitioners to submit a representation to the concerned competent authority along with necessary documents, who shall consider the same and pass appropriate orders in accordance with law.

The Writ petition is accordingly disposed of without going into the merits of the subject matter in view of involvement of title dispute over the subject land.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 16TH November, 2016.
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