

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.26382 of 2006

ORDER

The petitioner claims that he is the owner and possessor of open plot No.13 of an extent of 182.50 square yards in Sy.Nos.5 and 10, in ward No.3, Block No.1, Saigadda Kakatiya Colony, Warangal. She states that she purchased the same on 17.5.1991 under a registered sale deed from one Durga Singh and four others. The Urban Land Ceiling Authorities issued proceedings of no objection for the land. However, the respondents came to the said plot on 8.12.2006 and tried to construct a compound wall. The petitioner obstructed the same and showed her documents of title and possession. In spite of the same, when the respondents are proceedings with the construction of the compound wall on the ground of maintaining a park, the present writ petition is filed.

A counter-affidavit is filed on behalf of the respondents stating that the petitioner cannot have valid title as the land claimed by her was earmarked for the purpose of park and the said space is meant for public use in the approved LP No.32/1976. The document of the year 1991 was brought into effect with the collusion of the vendor. The plot claimed to haven been owned by the petitioner is part and parcel of the open space and the petitioner is trying to grab the same.

It is evident from the above averments that a lay out plan in LP No.32/1976 was approved earmarking some plots towards

open space. The petitioner might have purchased the open space earmarked for park in the said lay out plan and now the respondents want to protect the same for public use. Since the petitioner is claiming title to the said land, it is in the fitness of things that the respondent shall issue a notice to the petitioner and after receiving explanation from the petitioner, pass appropriate orders in accordance with law.

In the circumstances, liberty is given to the respondents to issue a notice in the light of claim made by the petitioner if they want to protect the open space earmarked for public purpose *vide* LP 32/1976 and after inviting explanation from the petitioner, shall pass appropriate orders in accordance with law. Till such orders are passed, they shall not interfere with the possession of the petitioner. In the meanwhile, the petitioner shall not make any constructions in the open plot.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

1st November, 2016
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