

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.27372, 27381 and 27384 of 2012

COMMON ORDER:

These three cases are being disposed of by this common order after hearing the learned counsel for the petitioners and counsel for the second respondent.

2. It is the case of the petitioners that the land to an extent of Ac.13-08 guntas in Survey No.210 of Urus Village, Hanamkonda Mandal, Warangal District, was a private patta land. One Koduru Rajalingaiah @ Rajalingam, S/o.Ramaiah was the owner of the aforesaid land having purchased the same from the original pattadar Rhunnisa Begum, W/o.Abu Miya. The said Rajalingaiah divided the said land into house plots and sold the same to various individuals without obtaining any permission for lay-out. The said colony was named as Subhash Nagar. It is also the case of the petitioners that the said Rajalingaiah executed three sale deeds in favour of the petitioners in the year 2012. When some third parties tried to interfere with their possession, they filed O.S.No.125 of 2012 on the file of the Principal Junior Civil Judge, Warangal, and *status quo* order was passed in I.A.No.199 of 2012 on 14.02.2012. While so, when the second respondent tried to interfere with the possession of the petitioners on 28.08.2012 by erecting a sign board as if the lands held by the petitioners belongs to the second respondent, the present writ petitions were filed. The lands of the petitioners in these petitions are

situated in Survey No.210 to an extent of 505.66 square yards; 626.80 square yards; and 355.80 square yards respectively.

3. In these writ petitions, this court by order dated 31.08.2012 directed the respondents not to obstruct the possession of the petitioners until further orders and the said orders were made absolute by a further order on 13.08.2015.

4. As per the averments made in the counter affidavit filed on behalf of the second respondent, it appears that the said Rajalingaiah left an open space in six pockets of land admeasuring an extent of 6000 square yards for public park in the unapproved lay out of the year 1959. The residents of the locality of Subhash Nagar submitted a representation on 28.11.2011 stating that some land grabbers and anti social elements with the collusion of Koduru Rajalingam has created bogus documents and trying to grab the open space/public park and requested the Corporation to safeguard the same from encroachments. In those circumstances only they have taken action for protecting the open space. It is also stated that the second respondent is not a party to the proceedings in O.S.No.125 of 2012 pending on the file of Principal Junior Civil Judge, Warangal.

5. Now it is clear from the above facts that the land to an extent of Ac.13-08 guntas situated in Survey No.210, Hanamkonda Mandal, Warangal District, was purchased by one Koduru Rajalingaiah, who divided the same into different plots and sold the same to various

individual purchasers after leaving six pockets of land admeasuring 6000 square yards for public purpose/park. The petitioners claimed to have purchased three plots of land with different measurements under registered sale deeds from the said Koduru Rajalingaiah and are claiming possession of the property. When there was interference from third parties, they filed O.S.No.125 of 2012 before the learned Principal Junior Civil Judge, Warangal, seeking permanent injunction and obtained an interim injunction in I.A.No.199 of 2012 dated 14.02.2012.

In the said suit, the second respondent is not a party.

6. Since there is a dispute with regard to the title to the property, this court is not inclined to go into the merits of the case in the present proceedings, but gives liberty to the petitioners to take necessary steps for impleading the second respondent in the suit O.S.No.125 of 2012 if they so choose. It is left to the petitioners to take appropriate civil proceedings for protecting their rights, if any.

7. Giving such liberty, the Writ Petitions are disposed of. In view of the liberty granted to the petitioners, interim orders restraining the second respondent from interfering with the possession of the petitioners shall remain in operation for a period of six weeks from today.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A. RAMALINGESWARA RAO

November 15, 2016
LMV

