

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.7139 of 2016

Between:

G.Sudhakar Reddy

....Petitioner

and

The State of Telangana,
Rep.by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad, and others.

....Respondents

JUDGMENT PRONOUNCED ON : 04.03.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.7139 of 2016

ORDER:

The petitioner claims to be the owner of plot No.303 in Survey No.11/33, admeasuring 1000 square yards at Khanamet Village, Serlingampally Circle of GHMC and Mandal, Ranga Reddy District. The land originally belonged to Gurukul Ghatkeswar Trust and an extent of Acs.23.05 guntas of land was purchased by one Syed Gulam Dasthagir by way of an agreement of sale dated 04.10.1989 and the same was validated by the District Registrar, Ranga Reddy District, on 21.06.1996. The said Syed Gulam Dasthagir sold the land of an extent

of Ac.0-8.33 guntas to one Venkateshwar Rao and S.V.Ravi Shanker on 24.12.1997. The same was also validated by the District Registrar on 05.05.2007. The petitioner and three others purchased 1000 square yards of land from Venkateshwar Rao and others by way of a registered sale deed dated 27.03.2014. At the time of purchase of the property, there was a shed existing on the said land of 1000 square yards. While so, the fourth respondent made a complaint to respondent Nos.1 to 3 stating that the petitioner and others made illegal constructions on the above land. It is also the case of the petitioner that the fourth respondent is claiming ownership over plot No.1047 by virtue of a registered sale deed dated 31.08.1982 in respect of the same plot owned by the petitioner. The petitioner also states that the sale deed dated 31.08.1982 under which the fourth respondent purchased 508 square yards of land in Survey No.11/33 was declared to be null and void in G.O.Ms.No.703, dated 30.09.2000. The fourth respondent filed O.S.No.2277 of 2009 on the file of the learned I Additional Principal Senior Civil Judge, Ranga Reddy District, seeking perpetual injunction against the petitioner and others, and the said suit is pending. The petitioner states that on the complaint filed by the fourth respondent, a notice was issued to the petitioner on 16.02.2016 by the third respondent and the petitioner submitted his explanation on 23.02.2016. But, however, the impugned order was passed on 23.02.2016 stating that no explanation was submitted by the petitioner. Challenging the order dated 23.02.2016, the present Writ Petition is filed.

Learned Counsel for the petitioner drew the attention of this Court to the explanation submitted by the petitioner and acknowledged by the Tappal Clerk on 23.02.2016.

Since the impugned order is dated 23.02.2016, the explanation submitted by the petitioner on the same day might not have gone to the notice of the Deputy Commissioner, who issued the impugned order.

In the circumstances, without going into the merits of the case, this Court is constrained to set aside the impugned order dated 23.02.2016 and remand the matter to the third respondent for consideration of explanation submitted by the petitioner on 23.02.2016 and passing appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order after hearing the petitioner and the fourth respondent.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

04.03.2016
vs