

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 12265 OF 2012

ORDER:

Heard Sri S. Sreenivasa Sarma for petitioner and Assistant Government Pleader for Revenue.

The petitioner prays for the following relief:

“... Writ of mandamus declaring the action of the respondent in interfering with the petitioner peaceful possession and enjoyment of the property and also construction work of the compound wall on the property of the petitioner i.e., vacant plot No.68/1 built on H.No.10-5-779/29/A, admeasuring 133 square yards situated at Tukaram Gate, North Lalaguda, Secunderabad to declare the same as illegal, arbitrary, without jurisdiction and violation of Article 14, 16, 21 of the Constitution of India.”

With the assistance of the learned counsel appearing for the parties, I have perused the counter affidavit filed by the sole respondent.

The counsel for petitioner having regard to the stand taken in the counter affidavit submits that the petitioner may be given liberty to work out remedies available in law including the remedy for getting survey of subject property done by the department.

I am satisfied that the prayer as made cannot and could not be considered, unless the issue is tried. The writ petition presents disputed questions of title, identity and presumption to be drawn on the possession claimed by the petitioner.

The writ petition is dismissed. However, the liberty, as prayed for, is granted. No order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

S.V. BHATT, J

Date: 09.08.2016
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