

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4024 OF 2016

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue appearing for respondents 1 to 3, learned Government Pleader for Endowments appearing for the 4th respondent and Sri Ch.Satish Kumar, learned Standing Counsel appearing for the 5th respondent.

The petitioner claims to be the owner and possessor of the house property bearing No.7-7-366/6/18, admeasuring 288 sq. yards, in Sy.No.831 situated near Bhadrakli Tank, Hanumakonda Revenue Village and Mandal, Warangal District and alleging that the respondents are trying to dispossess her from the said property, the present writ petition is filed.

The averments in the affidavit itself show that the petitioner is making a claim on the basis of the registered gift settlement deed bearing Doc.No.2163/12, wherein she claims to have constructed a room bearing house number as stated above. Prior to filing of this writ petition, the record reveals that the petitioner had given a legal notice to all the respondents on 20-05-2015, which specifically refers to filing of a suit by the petitioner in O.S.No.222/2014 before the II Additional Junior Civil Judge, Warangal. The legal notice itself sought clarification from the respondents whether Sy.No.817 belongs to Endowments and whether demarcation is made. The petitioner also wants to know whether she holds more than 288 sq. yards.

The 5th respondent has since filed counter affidavit, wherein the petitioner's contention as to ownership is denied and it is stated that the entire property of the petitioner to the tune of 280 sq. yards lies in the Temple property in Sy.No.817. It is stated that the land in question

belongs to the 5th respondent and the petitioner has no right to interfere with the said property. It is also stated that the petitioner filed a suit in O.S.No.222 of 2014 on the file of the II Additional Senior Civil Judge, Warangal. It is also stated that the petitioner issued legal notice on 20-05-2015 for which the 5th respondent issued reply on 04-12-2015 stating that the land admeasuring Ac.1-20 gts., belongs to the 5th respondent Institution and the petitioner is interfering with the same. The reply given by the 5th respondent to the legal notice issued by the petitioner is produced along with the counter affidavit.

In the above circumstances, therefore, the 5th respondent as well as the petitioner are claiming title relating to the land in question, which can be adjudicated before the Civil Court.

Hence, in view of pendency of the suit in O.S.No.222 of 2014, the parties are at liberty to agitate the issue, if permissible under law, and also initiate appropriate legal proceedings for establishing title before competent civil court.

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

Miscellaneous Petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

16.02.2016

Prv

