

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3548 OF 2012

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 4th respondent in issuing notice dated 24.01.2012 in connection with the petitioner's property bearing M.C.H.No.8-1-303/4, Plot No.4 in TS.No.14, admeasuring 602 Sq.Yds., situated at Shaikpet Village, Hyderabad, as illegal and arbitrary and for a consequential direction to the respondents not to take any coercive steps including taking possession of the petitioner's property.

The respondents filed counter affidavit stating that the Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, declared an extent of 66,432 Sq.Mtrs., as ceiling surplus land against the holding of declarants in CC.No.E/11007 to 11010/76 in TS.No.14/1 and 14/2, Block-C, Ward No.13 of Shaikpet Village, correlating to Survey No.14/p, 18 to 24, 26 to 32; that possession of the said surplus land was taken over under Section 10(6) of the Urban Land (Ceiling and Regulation) Act, 1976 on 16.03.2006 by the ULC authorities and handed over to the Deputy Tahsildar of this respondents' office under cover panchanama on 30.07.2011 for safe custody and that since then the surplus land is in safe custody of the Government with Government sign board displaying that this land belongs to Government. It is also stated that during routine inspection of the Government lands and ceiling surplus

lands, field staff of this respondents office noticed that some individuals including the petitioner herein are trying to encroach into the said surplus land by erecting temporary huts and compound walls and their attempts were foiled by the field staff; and that the petitioner was served with summons dated 24.01.2012 on the prescribed format in Form-I under the Andhra Pradesh Revenue Summons Rules, 1959 requiring the petitioner to appear before the Tahsildar on 27.01.2012 and produce certain documents with regard to Revenue inquiry about the encroachment on Government land, but the petitioner neither appeared before this respondent nor produced any documents. It is further stated that the petitioner on 07.02.2012 sent a petition by post, requesting time to file documents and approached this Court by filing the present writ petition.

No reply affidavit is filed by the petitioner.

In the instant case the petitioner challenged the impugned notice dated 24.01.2012 wherein the petitioner was asked to appear along with certain documents before the Tahsildar. But, the petitioner instead of appearing before the Tahasildar, sought for time for producing the documents and filed the present writ petition. This Court cannot go into the factual aspects and decide the *lis* raised by the petitioner. It is for the petitioner to produce those documents as per the impugned notice issued by the respondents. After receipt of documents from the petitioner,

it is for the respondents to take appropriate action in accordance with law. Further, in the counter affidavit it is stated that already possession was taken on 16.03.2006 by the ULC authorities and handed over to the Deputy Tahsildar of this respondents' office under cover panchanama on 30.07.2011. The same is not disputed by the learned counsel for the petitioner by filing reply affidavit.

In view of the aforesaid facts and circumstances, I do not see any merits in the writ petition. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

13.12.2016
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A.RAJASHEKER REDDY, J