

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21218 of 2016

ORDER:

This Writ Petition has been filed questioning the action of the Assistant Divisional Engineer (Civil) and the Assistant Engineer (Civil), Office of the Superintending Engineer (Operations), TSSPDCL, North Circle, Respondents 2 and 3 herein, in demolishing the premises belonging to the petitioners, bearing Door No. 8-3-228/1280/331/G admeasuring 116.67 square yards situated in Survey No. 146/6, Jawaharnagar, Yousufguda, Hyderabad.

The case of the petitioners is that their father Sri G. Pedda Durgaiah was in possession and enjoyment of the above-detailed property, having purchased the same from one Smt. N. Padmasani Devi in 1982. Consequent upon his death in 2008, according to the petitioners, they have inherited the said property and *vide* partition deed dated 01.11.2014, it has been devolved upon both of them. While the matter stood thus, when one Sri T. Narsing along with some anti-social elements, tried to interfere with their possession over the property, the petitioners filed O.S.No. 2108 of 2014 before the XXI Junior Civil Judge, City Civil Courts, Hyderabad and also obtained the order of injunction on 22.12.2014. However, on 06.03.2016, in the absence of the petitioners, Respondents 2 and 3 got demolished the property in question, without following due process of law and without even putting them on prior notice, on the ground that the said property belongs to the Electricity Department.

It is stated by the petitioners that three decades ago, the combined State of Andhra Pradesh allotted Acs.65.00 of land to the erstwhile Andhra Pradesh State Electricity Board and the APSEB constructed a compound wall around their land and the petitioners' residence is outside the compound wall of TSSPDCL. The petitioners approached the respondents and submitted representations bringing to their notice the said fact. Finally, on 12.04.2016 and 27.04.2016, they got issued legal notices to the respondents and simultaneously

submitted a complaint before the 4th respondent Station House Officer, Jubilee Hills Police Station, but no action has been taken thereon. Hence, this Writ Petition.

Heard learned counsel for the petitioners as well as Sri R. Vinod Reddy, learned Standing Counsel for Respondents 2 and 3.

Undoubtedly, at first blush, it appears from the averments contained in the affidavit filed in support of the Writ Petition that there exists a dispute regarding the identity and title in respect of the property in question between the parties to the *lis*. This being a pure question of fact, in exercise of jurisdiction under Article 226 of our Constitution, this Court cannot go into the said aspect. It is a matter to be decided on appreciation of the evidence to be produced by the parties. Hence, liberty is preserved to the petitioners to approach the competent Court of civil jurisdiction for resolution of the dispute.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

04th July 2016
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