

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WP No.5657 of 2008

ORDER

This writ petition is filed seeking to declare the action of the respondents in entering premises bearing plot No.2, Survey Nos.94 to 96 of Khairtabad village on 10.03.2008, as arbitrary and illegal.

It is the case of the petitioner that he has title and possession over the property in an extent of 600 square yards in Plot No.2, Sy.No.94 within specific boundaries. The said land originally belongs to one M.M.Khasim and Ameer Bee. His predecessor in title B.P.Mandal purchased the schedule property from the said M.M.Khasim and Ameer Bee, vide sale deed dated 20.01.80. The said B.P.Mandal executed Power of Attorney in favour of A.Pratap Reddy, who in turn, executed an agreement of sale on 21.04.1989 in his favour. When attempts were made to interfere with his property, the petitioner along with his predecessors in title filed O.S.No.3373 of 1989 on the file of the II Assistant Judge, City Civil Court, Hyderabad. The Court vide order dated 17.8.89 granted interim order. As the neighbouring society viz., Sri Venkatramana Housing Society also tried to interfere with the said property, the petitioner and his predecessors filed O.S.No.3385 of 1989 and obtained an interim order of status quo. While so, Sri Venkatramana Housing Society filed LGC No.146 of 1989 before the Special Court under the

A.P.Land Grabbing (Prohibition) Act, claiming to be the owner of the schedule property and sought a declaration that the schedule property belongs to the Municipal Corporation having been gifted the said Co-operative Society. The Special Court in LGC NO.146 of 1989 passed an order on 5.7.1993 and gave a finding that the land gifted to the Municipal Corporation of Hyderabad by the said society was different from the schedule property. Challenging the said dismissal of LGC 146 of 1989, W.P.No.14001 of 1993 was filed before this Court. While disposing of the said writ petition on 31.08.2004, a Division Bench of this Court, held as under:

“We do not find any ground to interfere in such finding of fact, which is based on evidence let in by the parties and appreciated by the Land Grabbing Court as we are conscious that the matter is being heard in a jurisdiction vested in us under Article 226 of the Constitution of India. However, we would like to make it clear that as the rights of parties, if any, under Sy.No.260 have not at all been settled by the Land Grabbing Court, because it found that the suit land was part of Sy.Nos.94 to 96, if the petitioner has still any grievance with regard to land under Sy.No.260, it is free to take recourse to law. As far as land under Sy.Nos.94 to 96 is concerned, the judgment between the parties is conclusive.”

The petitioner claims that the land is situated in Plot No.2 of Sy.No.94 and in view of the same, the finding recorded by the Land Grabbing Court as confirmed by this Court in W.P.No.14001 of 1993 is binding on Sri Venkataramana Housing Society, the petitioner, his predecessor-in-title and the Municipal Corporation.

In view of the same, it is for the parties to work out their remedies available, if any. In view of pendency of O.S.No.3373 of 1989 filed by the petitioner and his predecessor in title, this Court

cannot grant any relief in the present writ petition against the 3rd respondent, who was un-served and against whom the present writ petition was dismissed for default on 24.6.2011.

The writ petition is accordingly disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

4th November, 2016
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