

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25134 of 2016

ORDER:

The petitioner claims to be the owner and possessor in respect of the premises bearing H.No. 8-2-684/1/10 in Survey No. 129/39 situated at Road No. 12, Banjara Hills, Hyderabad. It is her complaint that the 4th respondent Tahsildar, Golconda Mandal has been threatening to dispossess her from the said premises. Therefore, she is stated to have made a written representation dated 13.07.2016 to the 2nd respondent District Collector, Hyderabad against the 4th respondent. However, pending its consideration, the 4th respondent, with the assistance of the local police, came to her house premises on 22.07.2016 and threatened to dispossess her within a week. Hence, this Writ Petition has been instituted seeking a *mandamus* to declare the action of the 4th respondent as illegal and arbitrary and consequently, to direct the 2nd respondent to consider the representation of the petitioner, dated 13.07.2016.

Heard learned counsel for the petitioner.

Learned Government Pleader for Revenue (Telangana), based on the written instructions submitted by the Tahsildar, Shaikpet Mandal, would state that the land claimed by the petitioner is covered by T.S.No.4, Block-H, Ward 10 of Shaikpet Village, correlated to Survey No. 403 Part, which is a NALA, but not by Survey No. 129/39, Banjara Hills. According to him, the subject land is in the custody of the government and a sign board has also been erected thereon to show that it is a government land.

From a perusal of the averments contained in the affidavit filed in support of the Writ Petition and the instructions obtained from the Tahsildar, Shaikpet Mandal, it is clear that there is a dispute with regard to identity and nature of the property, inasmuch, on the one

hand, the petitioner claims that the subject land is in her possession and enjoyment by way of inheritance and on the other, the learned Government Pleader submits that it is located in Survey No. 403 Part, which is a NALA.

In these circumstances, the relief sought for by the petitioner cannot be granted. Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to assert her rights vis-à-vis the subject property by approaching the appropriate forum having civil jurisdiction. No costs.

Consequently, the miscellaneous petitions, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

08th August 2016

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