

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.8166 of 2011

Between:
A.Vijay Kumar

....Petitioner

and

Hon'ble High Court,
Rep.by its Registrar (Management),
High Court of A.P.,
Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 03.03.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.8166 of 2011

ORDER:

The petitioner states that he is a graduate and doing job-typing in the premises of Defence Estates Office, Secunderabad, opposite to City Civil Courts Complex, Marredpally, Secunderabad, for the last 11 years. The third respondent issued a letter on 09.06.2009 directing the petitioner to vacate the premises as he was continuing in the premises without permission. Challenging the said order, the present Writ Petition was filed.

The petitioner states that the premises belongs to the Defence Estates

Office, Secunderabad. But, the Defence Estates Officer is not made a party to the present Writ Petition. He states that the Defence Estates Officer has orally permitted him to carry out the job-typing business in the left over land outside the compound of Defence Estate Office. He submits that the land on which he is continuing is not the part of premises of City Civil Court, Secunderabad, but the premises of Defence Estates Office.

This Court, by order dated 29.03.2011, ordered continuance of the petitioner if the premises where he is working is not within the premises of City Civil Court, Secunderabad.

A counter affidavit is filed by the third respondent stating that the petitioner used the site by the side of neem tree in the left over land outside the compound wall of the Defence Estate Office situated on the north-eastern corner along with one A.Ravinder Kumar. When the notice was issued on 09.06.2009 he vacated the said place on 09.12.2009 along with the said A.Ravinder Kumar. The third respondent admits that the disputed premises is the left over land outside the compound wall of Defence Estate Office on the north-eastern corner forming part and parcel of GLR Survey No.497. There is no possibility of using the said place by Defence Estates office since it is situated outside their compound wall. Therefore, a letter was addressed by the third respondent to the Defence Estate Officer on 05.01.2010 with a request for handing over 56.55 square yards of left over land which is in the triangular shape with a view to utilize the same for the litigant public. The Defence Estate Officer, by letter dated 27.01.2010, authorized the third respondent to use the subject land for parking of vehicles of the Lawyers and the general public temporarily pending sanction by the Government of India. The counter affidavit further states that 15 shops are available in the premises of City Civil Courts, Secunderabad, at the main gate on the eastern side and several job-typists are doing their job-typing work after taking those shops on an annual rent of Rs.2,500/-. Their leases are being renewed from year to year. At the time of filing the counter affidavit in the year 2011, one shop was vacant and the petitioner was offered the said shop. In spite of the same, the petitioner did not come forward. He vacated the premises on 09.12.2009 and filed the present Writ Petition on 27.02.2011.

A reply affidavit is filed stating that the shed was demolished in the year 2009 and he has been using the vacant space by bringing the plastic furniture during the day time and removing them by evening.

A perusal of the above facts would clearly show that an extent of 56.55 square yards of land belonging to the Defence Estates Officer, Ministry of Defence, Government of India, was allowed to be used by the third respondent under letter dated 27.01.2010. The petitioner, taking advantage of the dispute over the title to the land, wants to continue in the said premises without paying rent either to the third respondent or to the Defence Estates Officer. The Defence Estates Officer is not made party to the present Writ Petition. The averment made in the counter affidavit of the third respondent that the third respondent was permitted to use the same for parking of vehicles for the general public and Lawyers cannot be disputed.

In the circumstances, this Writ Petition is dismissed. But, however, liberty is given to the petitioner to submit a representation for allotment of the shop/land for his avocation on usual terms to the competent authority, and the competent authority shall consider the said request in accordance with law. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

03.03.2016
vs