

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9228 OF 2012

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in seeking to take over petitioner's property bearing MCH No.8-1-303/6, Plot No.6 in TS.No.14/1, admeasuring 209 Sq.Yds., situated at Vivekananda Nagar, Shaikpet Village, Tolichowki, Hyderabad, as illegal and arbitrary and for a consequential direction to the respondents not to take any coercive steps including taking possession of the aforesaid petitioner's property.

The respondents filed counter affidavit stating that the Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, has declared ceiling surplus to an extent of 66, 432 Sq.Mtrs., of land against the holding of the 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. 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 at the initial stage itself and erected a sign board displaying that the said land belongs to Government. It is further stated that the subject land was already in possession of this respondent and hence the question of taking over possession again does not arise and that this respondent has no power to allot the land to others and hence the allegations that the authorities informed that the land will be allotted to others is false and baseless.

No reply affidavit is filed by the petitioner.

Since it is stated in the counter affidavit that possession of the subject land 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, and since the same is not disputed by the petitioner by filing reply affidavit, 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.

A.RAJASHEKER REDDY, J

13.12.2016
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