

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.1333 OF 2011

ORDER:

Heard Sri Deepak Bhattacharjee, learned counsel, appearing for the petitioner and learned Government Pleader for Education, State of Telangana, appearing for the respondents 1 to 3 and 6, learned Government Pleader for Home (TG), appearing for the respondents 8 and 10 and Sri A.Yadav Reddy, learned counsel, appearing for the 7th respondent.

2. The complaint in the present writ petition is alleged interference of the respondents with the peaceful possession of the petitioner in respect of the land admeasuring 0.18 guntas situated in survey No.145/J of Kanukulagidda Village, Huzurabad Mandal, Karimnagar District.

3. The case of the petitioner, as per the pleadings available on record, is that he is absolute owner of the subject property having purchased the same by way of a registered sale deed bearing document No.1237/1976, dated 31.05.1976 executed by one Sri Jali Sai Reddy. It is further averred in the writ affidavit that unfortunately in the sale deed by mistake the survey number was wrongly mentioned as 144/A instead of 145/J of Kanukulagidda Village, Huzurabad Mandal, Karimnagar District and the lands in both the said survey

numbers belonged to a common pattadar namely Sri Jali Sai Reddy. Petitioner herein claims to be in possession of the subject property and according to the petitioner, his name also stood recorded in pahani patrika. The allegation in the present writ petition is that the respondents 1 to 10, at the instance of the Sarpanch of the Village, started claiming the said land as the property of the 4th respondent – Zilla Parishad High School, on the ground that after the death of Sri Jali Sai Reddy, his wife Smt. Yashodamma, gifted the said property in favour of His Excellency The Governor of Andhra Pradesh under the document bearing No.4204/1995, dated 26.11.1995. It is the further case of the petitioner that the gift deed so executed did not confer any title in favour of the 4th respondent school or in favour of the State Government.

4. A counter affidavit deposited by the District Educational Officer, Karimnagar District, has been placed on record by the learned Government Pleader, wherein it is stated that Smt.Jali Yashodamma, w/o. Sai Reddy, resident of Kanukulagidda, Tapole Village, Huzurabad Mandal, Karimnagar District, the title holder of the land situated in survey No.145/J, admeasuring 0.18 guntas situated near the school premises had donated the said land, by way of gift deed, in favour of State Government represented by Director of School Education for Zilla Parishad High School, Kanukulagidda. It is further averred in the said counter that

in order to provide adequate accommodation, classrooms, science laboratory, library, computer lab etc., the Sarpanch and Gram Panchayat members submitted proposals for additional classrooms under the scheme of Rashtriya Madyamik Siksha Abhiyan to the District Educational Officer, Karimnagar and Additional Project Coordinator, for providing adequate facilities. It is further stated that the Project Director, vide proceedings Rc.No.3268/E7/2009, dated 02.09.2010, released the funds during the year 2010-11 for taking up the construction work of additional classrooms. The counter affidavit filed by the Inspector of Police, Huzurabad Police Station, Karimnagar District – 10th respondent states that the dispute is of civil in nature.

5. A perusal of the pleadings in the affidavit filed in support of the writ petition, in vivid terms, discloses that even according to the petitioner, there is a dispute with regard to the identity of the property. The said factual controversy, in the considered opinion of this Court, cannot be inquired into under Article 226 of the Constitution of India. Therefore, this Court is not inclined to entertain the present writ petition under Article 226 of the Constitution of India.

6. For the aforesaid reasons, writ petition is dismissed, with a liberty to the petitioner to sort out his remedies, if any, before an appropriate forum of law.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

17.11.2016

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