

THE HON' BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35312 of 2016

ORDER:

This Writ Petition is filed by the petitioner to declare the action of the respondents, more particularly, the respondents 4 and 5 in trying to interfere with the peaceful possession and ownership of the petitioner over the premises admeasuring Acs.3.00 located at H.No.1-10-160A & 1-10-160A/ 1, Mahabunagar Town and District, as illegal and arbitrary, and consequently direct the respondents, in particular, respondents 4 & 5 not to interfere with the lawful possession and ownership of the petitioner over the said property.

Heard and perused the material available on record.

The petitioner is a registered Society and that the Mahabubnagar Municipality gifted an extent of Acs.3.00 guntas of land in Sy.No.102/ 1/ E to the petitioner through a registered irrevocable gift deed. Since the said land was not suitable for starting a training centre for the training of auxiliary nurses/ midwives, the petitioner made a representation to the Government to provide an equivalent land to them in exchange of the 3 acres of land gifted to them by the Municipality. The Government of A.P., also accepted the same and handed over an extent of 3 acres 13.25 guntas of land from the site reserved for construction of Civil Hospital at Mahabubnagar, vide G.O., dated 06.10.1966. Subsequently, the petitioner constructed various buildings and established several social service institutions including a training centre. On 07.09.2016, the respondents 4 and 5 removed a portion of the compound wall and have installed an iron gate, claiming that they require the subject premises for their own purpose, without knowledge and consent of the petitioner.

Learned counsel for the petitioner submits that the subject land was gifted by the government to the petitioner in exchange of the land gifted by the Mahabubnagar Municipality and thereafter, the petitioner constructed buildings in the said land and established several social service institutions and that the respondents 4 and 5, without following the due process of law, are trying to interfere with the possession and ownership of the petitioner over the subject land.

Considering the facts and circumstances of the case and the grievance of the petitioner, respondents Nos.4 and 5 are directed not to interfere with the possession of the petitioner over the premises admeasuring Acs.3.00 located at H.No.1-10-160A & 1-10-160A/1, Mahabunagar Town and District, without following the due process of law.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

October 20, 2016.
KTL

RAJA ELANGO, J