

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35027 OF 2016

ORDER:

Present Writ Petition is filed by the petitioners by invoking Article 226 of the Constitution of India seeking to declare the action of respondents 2 and 3 in interfering with construction being undertaken in an extent of 2869.50 Sq.Yards of land in survey No.27 of Miyapur Village, Serlingampally Mandal, Ranga Reddy District, as illegal and arbitrary and consequently direct the said respondents not to interfere with construction work being carried in above referred site.

Heard the learned counsel for the petitioners and the learned Asst. Government Pleader for Revenue (TG). With their consent, the Writ Petition is disposed of at the stage of admission itself.

The case of the petitioners is that petitioners 1 to 4 have purchased the house bearing Municipal No.3-1176/27 in survey No.27 Part, admeasuring 1149.5 Sq.Yards and 314 Sq.Yards totally admeasuring 1463.5 Sq.Yards under registered sale deed dated 30.08.2015. Similarly, petitioner No.5 purchased land to an extent of 0.1162 guntas in survey No.27 part under registered sale deed dated 23.04.2005 from one K.Koteswar Rao, who in turn purchased the same under a registered document dated 26.04.2004. All the petitioners entered into development agreement with Yashoda Builders and applied for regularization of unapproved layout and the same was granted by GHMC on 13.12.2011. Thereafter, the builder made an application to GHMC

for grant of permission for construction of a residential building and the same was granted on 24.07.2013. It is stated that the plot purchased by the petitioners is located in survey No.27 of Miyapur Village. Adjacent thereto there is a Government land located in survey Nos.20 and 28 of Miyapur Village. As such, a survey was conducted by the Deputy Inspector of Survey, Rajendranagar Division, who prepared a plan with regard to land in survey Nos.20, 24, 25, 26, 27 and 28 and fixed boundaries. It is further averred that thereafter the revenue authorities erected fencing around the entire land and they are in occupation of the same. It is the grievance of the petitioners that though their lands are located in survey No.27, the staff of respondents 2 and 3 are frequently visiting the site and interfering with construction activity on a premise that the petitioners have encroached part of land in survey No.28, which is a government land.

Learned Assistant Government Pleader submits that they have no objection if the petitioners raise constructions in survey No.27. But, the petitioners herein gave the said land to Yashoda Builder, which is trying to encroach on to the Government land in survey No.28.

Taking into consideration the rival submissions made, the writ petition is disposed of directing the respondents not to interfere with the construction work being undertaken in survey No.27 of Miyapur Village. However, if the petitioners are trying to encroach into the land in survey No.28, the respondents shall take

appropriate steps, in accordance with law, for their eviction/demolition/dispossession.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

Date: 18.10.2016

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