

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.39919 of 2016

ORDER:

Heard Mr.V.Ravi Kiran Rao for petitioners, Government Pleaders for Irrigation and Revenue for respondent Nos.1 to 4 and 5 respectively and Standing Counsel for respondent No.6.

Petitioners pray for the following relief:

“.....to issue any appropriate writ, order or direction more in the nature of writ of mandamus declaring action of respondent Nos.2 to 4 in interfering with the possession and enjoyment of the petitioners and also construction activity commenced by them over the plots bearing Nos.20 and 23 boundaries of which are mentioned herein below respectively in Survey No.401/66/20 situated at Armoor Village and Mandal, Nizamabad District which were assigned to them vide patta certificate Nos.B/589/07 dated Nil.12.2007 by the then Mandal Revenue Officer, Armoor without any notice, without causing any enquiry and without any authority under law is illegal, arbitrary and violative of principles of natural justice....

Plot No.20

North: Plot No.19 of others
South: Plot No.22 of others
East: Internal road 8" wide
West: Plot of others.

Plot No.23

North: Plot No.22 of others (8" road and Kalyana Mandapam)
South: Internal road 8" wide
East: Internal road 8" wide (Irrigation Office)
West: Plot of others. (House of Ankapuram Lasmanna).”

Respondent No.2 places on record the written instructions, dated 17.11.2016. The written instructions are to the effect that the petition land is part of Survey No.401/66 and claimed by IB Garden under the control of Irrigation & CAD Department.

Respondent No.3, admittedly, is not a party to the assignment made in favour of the petitioners. The rival claims between parties, this Court is of the view, cannot be adjudicated in a petition filed under Article 226 of the Constitution of India. As the petitioners claim possession or entitlement from the assignment made by Revenue Department, this Court is of the view that the petitioners can be directed to represent to respondent No.7-District Collector, Nizamabad on the grievances canvassed in the instant writ petition and respondent No.7 is directed to get joint survey conducted in the presence of respondent Nos.2 to 4 and the Revenue Department, and basing upon the outcome of such survey, respondent No.7 is given liberty to proceed against petitioners. For a period of three months from today, the parties are directed to maintain *status quo* as regards physical features of subject matter of the writ petition.

Writ petition is accordingly disposed of.

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

S.V.BHATT,J

Dt:18.11.2016

kdl

