

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.22179 OF 2012

ORDER :

Petitioner's grievance in this Writ Petition is that the 3rd respondent has laid a road, from Bikya Thanda to Rambabu house, through petitioner's land of an extent of Ac.0.50 guntas out of Ac.5.20 guntas in survey Nos.69/L and 69/R of Gangaipalli Vilalge, Shivampet Mandal, Medak District.

2. The 3rd respondent has not filed any counter in spite of the fact that the Writ Petition was filed in the year 2012 and from 04.01.2016 till date six adjournments have been sought by the counsel for the 3rd respondent. Therefore, adverse inference is drawn against the 3rd respondents for not filing a counter affidavit.

3. That apart, the pattadar passbook and title deed filed by the petitioner shows the title of the petitioner to the subject land. So, it can be presumed that the petitioner has title to the subject land.

4. Therefore, the Writ Petition is allowed; the action of the respondents in dispossessing the petitioner from the above extent of land is held to be arbitrary, illegal and violative of Articles 14 and 300A of the Constitution of India; and the respondents are directed to restore back the said land to the petitioner within two (02) weeks from the date of receipt of a copy of this order. The 3rd respondent shall also pay costs of Rs.2,000/- to the petitioner.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

29th February, 2016.

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