

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.1945 of 2016

Date:25.01.2016

Between:

B.Ramalakshmi,
W/o B.Ramanjaneyulu

..... Petitioner

And:

The State of A.P., repled by its
Principal Secretary, Municipal
Admn. Department, Hyderabad
and two others.

.....Respondents

Counsel for the Petitioner: Mr. V.L.Surendra

Counsel for Respondent No.1: GP for Municipal Admn. (TS)

The Court made the following:

ORDER:

Feeling aggrieved by using a part of open place on the road margin in front of his house site for laying a drainage line, without following due process of law, by respondent Nos.2 and 3, the petitioner filed this Writ Petition.

The petitioner pleaded that the piece of property over which a drainage line is being laid is part of his patta land purchased by him under a registered sale deed, dated 04.11.2009, as rectified by registered deed, dated 20.02.2015.

Mr. M.D.Saleem, learned Standing Counsel for Municipalities (Andhra Pradesh), appearing for respondent Nos.2 and 3, on instructions, submitted that the piece of land over which a drainage line is being laid is a 'rastha poramboke' and that the same does not form part of the petitioner's land.

Since the question whether the subject piece of property forms part of the petitioner's land or not is a disputed question of fact, it can only be ascertained by proper survey and demarcation of the land.

Therefore, respondent Nos.2 and 3 are directed to cause a survey conducted and the property demarcated in the presence of the petitioner. After completion of such survey, if it is found that the piece of property being used by respondent Nos.2 and 3 for laying a drainage line belongs to the petitioner, the former shall not proceed with further work either without obtaining the petitioner's consent or without acquiring the land in accordance with law. In a converse situation, respondent Nos.2 and 3 are entitled to proceed with the further work of laying the drainage line. If the petitioner disputes the survey report, in case, it goes against her, she is entitled to approach the competent civil Court for appropriate reliefs. It is needless to observe that till the demarcation process is completed, respondent Nos.2 and 3 shall not proceed with the further work of laying the drainage line.

Subject to the above directions and observations, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.2471 of 2016 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA
REDDY

25th January, 2016
DR