

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.22256 of 2017

ORDER:

Heard Mr. K. Paghuvver Reddy for petitioner, learned Assistant Government Pleader (Revenue) for Respondents 1 to 4 and Mr. Narender Reddy for 5th respondent.

2. The petitioner prays for *mandamus* declaring the action of respondents in demolishing the compound wall of petitioner's land bearing Plot No.54 admeasuring 1445 sq. yards bearing D.No.5-106/ 9A in Sy.No.225/ 2 situated at Manchirevula Village, Gandipeta Mandal, Ranga Reddy District, as illegal, arbitrary and unconstitutional.

3. The case of petitioner is that the petitioner is the absolute owner, possessor and is in enjoyment of an extent of 1445 sq. yards in Plot No.54, D.No.5-106/ 9A in Sy.No.225/ 2 at Manchirevula Village. According to petitioner, he is enjoying the property acquired through registered sale deed dated 16.11.2005. Hence, interference by respondents 1 to 4 or demolishing compound wall is arbitrary, illegal and unconstitutional.

4. On 06.07.2017, this court after hearing the learned counsel appearing for the parties, directed the writ petition to be listed today and further directed the respondents as follows:

“At request of respondents, post on 13.07.2017 in Motion List to file the sketch showing the location of the subject matter of the writ petition and the survey number by which it is covered.”

5. The Assistant Government Pleader, places on record the report and also location sketch where demolition has been undertaken and carried out by respondents. Mr. Paghuvver Reddy, after taking note of

written instructions dated 12.07.2017 and also location sketch, contends that the assumption of petitioner's plot as forming part of Sy.No.224 basing on survey or demarcation conducted behind the back of the petitioner cannot and ought not to be the basis for carrying out further demolition of structures in the subject matter of the writ petition. He further submits that the petitioner is prepared to apply for survey and demarcation of Sy.No.225/ 2 on one hand and Sy.No.224 on the other hand of Manchirevula Village, and if survey is conducted in the presence of petitioner, the location and identity of these two survey numbers are established, the controversy is resolved. He submits that now the petitioner has grievance, since the respondents are interfering with the possession and enjoyment of the property purchased by petitioner in Sy.No.225/ 2. He further submits that the petitioner does not have a claim or interest in Sy.No.224.

6. As the submission of the learned counsel is fair and reasonable, the court considers it appropriate to dispose of the writ petition by this order:

- (a) The petitioner is given one week time from today to apply for survey, demarcation and identity of Sy.No.225/ 2 on one hand and Sy.No.224 on the other hand.
- (b) The respondents, within three weeks thereafter, independent of the report submitted to the court, locate and identify the Sy.No.225/ 2, total extent of the survey number and demarcate the plot No.54 and Sy.No.224.
- (c) The survey and demarcation, if result in establishing that the petitioner is in possession of Sy.No.225/ 2, the respondents shall not interfere with the possession and enjoyment of the petitioner, without recourse to law;

- (d) On the other hand, the identity of plot claimed by petitioner is established as forming part of Sy.No.224, vacant Government land, the respondents are justified in protecting the Government land by demolishing the compound wall;
- (e) The parties are directed to maintain *status-quo* as regards physical features of subject matter of writ petition for a period of four weeks from today.

No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 13.07.2017

Note: Furnish CC in one week.
BSS



HON'BLE SRI JUSTICE S.V. BHATT

18

Writ Petition No.22256 of 2017



Date: 13.07.2017

BSS