

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.31940 OF 2012

ORDER:

Heard Mr.C.Damodar Reddy for petitioners and the Assistant Government Pleader for Panchayat Raj.

The petitioners pray for Mandamus declaring the alleged highhanded action of 4th respondent in interfering with possession and enjoyment of petitioners in an extent of Ac.13-12gts. in Survey Nos.479, 480, 505 to 509 at Kondamadugu Village, Bibinagar Mandal, Nalgonda District without recourse to law, as illegal and unconstitutional.

The petitioners claim to have purchased the subject matter of the writ petition through sale deed dated 15.12.2000 etc. The Revenue Department accepted the transfer in favour of petitioners and issued pattadar pass books and title deeds as well. Now the complaint is that the 4th respondent is interfering, as referred to above, in the possession and enjoyment of petitioners of subject land of the writ petition. Hence, the writ petition.

The 4th respondent filed counter affidavit and he denies the alleged interference of 4th respondent with petitioners' possession and enjoyment of petition land. Having regard to the nature of disposal, I find it convenient to excerpt the stand of 4th respondent.

“ I submit that it may be true that the petitioners are the owners of the land in Survey Nos.479,480,505 to 509 to an extent of Ac.13.12 gts and it is not true to say that the 4th respondent is trying to interfere with their possession of the land **in the above said survey numbers.**”

(emphasis added)

According to him, in the neighbouring survey numbers, Gramakantam land in an extent of Ac.1-30gts. is situated and when the petitioners tried to encroach the Gramakantam land, the 4th respondent resisted their attempts to encroach Gramakantam land. On 19.03.2012, survey was conducted panchanama was prepared delineating the land of petitioners and Gramakantam land. He denies various allegations which are stated to constitute cause of action for filing the writ petition. The sum and substance of 4th respondent's reply is that the 4th respondent is not interfering with the subject matter i.e. Survey Nos.479, 480, 505 to 509 of an extent of Ac.13-12gts. and he is preventing the encroachment by petitioners of Gramakantam land. From the above, it is clear that the 4th respondent is not interfering with the possession of petitioners of Survey Nos. 479, 480, 505 to 509 of an extent of Ac.13-12gts. As regards Gramakantam land, it is not even the case of the petitioners that they are in possession of Gramakantam land. Therefore, this Court considers it inappropriate to issue any further direction protecting the possession of petitioners of Gramakantam land or directing the respondents to act in accordance with law.

The writ petition is disposed of to the extent indicated above.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date: 31.01.2017

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