

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.1615 OF 2017

ORDER:

The writ petition is filed, under Article 226 of the Constitution of India, for the following relief: -

“declaring the action of the respondents 3 and 4 in obstructing construction of compound wall and fencing surrounded over the petitioner landed property i.e., land in survey Nos.124/U admeasuring Ac.0.07 guntas, 125/U admeasuring Ac.0.23 guntas and survey No.126 admeasuring Ac.1.10 thus totally admeasuring Ac.2.00 out of Ac.3.10 guntas situated at Balapur village, Saroornagr mandal, Cyberbad, Rangareddy District under the guise of FTL of Peddacheruvu situated at Balapur village, Saroornagar mandal, Rangareddy District that too without following due process of law as envisaged under Survey and Boundaries Act 1923 as illegal, arbitrary, unjust, against Article 300 A of Constitution of India and also against the Principles of Natural Justice and cosequential directions to the respondents 3 and 4 not to interfere in any manner including the constructional activity of surrounding wall and fencing carrying on by the petitioner over the petitioner landed property i.e., land in survey No.124/U admeasuring Ac.0.07 guntas, survey No.125/U admeasuring Ac.0.23 guntas and survey No.126 admeasuring Ac.1.10 thus totally admeasuring Ac.2.00 out of Ac.3.10 guntas situated at Balapur village, Saroornagr mandal, Cyberbad, Rangareddy District”

2. Heard the learned counsel for petitioner and learned Government Pleader for Irrigation.

3. According to the petitioner, he along with two others are the absolute owners and possessors of the landed property situated in Sy.Nos.124/U admeasuring Ac.0.07 guntas, 125/U admeasuring Ac.0.23 guntas and Sy.No.126 admeasuring Ac.1.10 guntas situated at Balapur Village, Saroornagar Mandal, Cyberabad, Rangareddy District having acquired the same by virtue of registered sale deed bearing document No.763 of 2014, dated 25-01-2014 from Bright Educational Society, Ramanthpur Colony, Hyderabad. The grievance of the petitioner in the present writ petition is respondent Nos.3 and 4 are threatening and obstructing the petitioner from construction activity of compound wall and fencing without following due process of law.

4. On the other hand, it is submitted by the learned Government Pleader for Irrigation that the respondents herein are proceeding only in accordance with law and that the allegations in the writ petition are only apprehensive in nature.

5. In view of the above statement made by the learned Government Pleader and having regard to the averments in the affidavit filed in support of the writ petition, the writ petition is disposed of directing the respondent Nos.3 and 4 not to interfere with the construction activities of the petitioner in respect of the subject property. However, it is

made clear that it is open for the respondents to proceed in accordance with law.

6. Accordingly, the writ petition is disposed of at the stage of admission.

7. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

13.02.2017
TSNR

