

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

WRIT PETITION No.2234 OF 2008

ORDER :

This writ petition, filed under Article 226 of Constitution of India, calls in question, the alleged action on the part of the respondent authorities in taking steps to dispossess the petitioner by laying road in petitioner's land.

Heard the learned counsel for the petitioner and Sri L.Prabhakar Reddy, learned Standing counsel, TSIIC for the respondents.

According to the petitioner, he purchased an extent of 130 square yards bearing plot No.30-D situated in Sy.No.33/10 Part and 33/11 Part of Changicharla Village and Gram Panchayat, Ghatkesar Mandal, R.R.District and he is the absolute owner of the said plot. It is further stated in the affidavit filed in support of the writ petition that the petitioner had purchased the said property by way of sale deed bearing document No.8607/07, dated 09.08.2007 from one Sri R. Veman Reddy. The complaint in the present writ petition precisely is that the respondent authorities are laying the road in the subject land without recourse to law. This Court, while ordering Rule nisi, passed an interim order in WPMP.No.2880 of 2008 directing the respondents not to use petitioner's property without initiating proceedings under the Land Acquisition Act. In response to the Rule nisi issued by this Court, a counter affidavit deposed by the General Manager (Law) of the Telangana State Industrial

Infrastructure Corporation Ltd., (TSIIC), Government of Telangana, is filed *inter alia*, stating that respondents have never encroached upon the petitioner's plot nor laid any road as alleged by the petitioner. It is further stated that the petitioner without approaching the competent civil court approached this Court in improper manner seeking adjudication of disputed questions of fact with regard to location, identity of the land. According to the learned counsel, the same is impermissible under law. It is further stated in the said counter affidavit that there is an existing 60 feet wide road from Mallapur Village towards Cherlapally laid long back, which goes and joins into road from Cherlapally to Changicherla Village and the entire road work was completed in the year 2003 itself. Counter further denies the encroachment of the petitioner's property by the respondents. It is further stated in the counter affidavit that the respondent Corporation recently only taken up strengthening the existing road work only on a stretch of existing road of about 1.50 KMs up other land boundary allotted to M/s Bharat Petroleum Corporation Ltd.

Having regard to the categoric statements of the respondents herein in their counter affidavit that they have never encroached upon the petitioner's property, as alleged by the petitioner and that they are strengthening the existing road only and as the counter disputes the very identity of the property, this Court does not propose to go into the disputed questions of fact in exercise of the powers, conferred under Article 226 of Constitution of India. However, the above said

statement that the respondents never encroached upon the petitioner's plot is placed on record. However, it is further made clear that if petitioner has still any grievance with regard to property, it is always open to the petitioner herein to approach the appropriate civil court for redressal of his grievance.

With the above observations, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

10.07.2017
dv



A.V.SESHA SAI, J