

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.13180 of 2013

ORDER:

The petitioner complains that the respondents are interfering with the petitioner's possession and enjoyment of an extent of one acre in Sy.No.1016/A at Vemulaghat Village, Togutta Mandal, Medak District, without recourse to law, as illegal and unconstitutional.

In para '4' of the affidavit, the petitioner confesses the extent of enjoyment of 1000 sq. yards. The operative portion of the affidavit reads thus:-

"It is further submitted that the respondents herein without issuing any notice and opportunity to the petitioner are trying to grab part of my property about 1000 sq. yards without any right and title whatsoever, land in survey No.1016/A admeasuring 1 acres situated at Vemulaghat village, Togutta Mandal, Medak District, without following due process of law. Therefore, direct the respondents to restrain from interfering into my land otherwise I will suffer irreparable loss and injury besides loosing livelihood."

The 2nd respondent filed counter affidavit and to appreciate the incompleteness with which the allegations are made by the petitioner, the relevant paragraphs in the counter affidavit are excerpted hereunder:-

"In reply to paras-2 and 3 of the writ affidavit, I submit that it is true that the petitioner is the owner of the

land in Sy.No.1016/ A, admeasuring Ac.1.00 situated at Vemulaghat Village but it is not true to say that the total land is in possession of the petitioner, he himself admitted that there is a school building in part of the said land, the school building is surrounding by compound wall it is approximately ½ acre, the said school is running since 1966 and the gram panchayat has assessed the school building in the assessment register since 1982. I further submit that there is a separate school building constructed under RMSA Scheme (Rajeev Madyamic Shiksha Abayan) for classes 6th to 10th in the year 2009. The certificate issued by the Head Master of the School shows that the old building is in possession of the school authorities. There is no new construction at that place.

In reply to para-3 and 4 of the writ affidavit, I submit that it is not true to say that the official respondents trying to grab the 1000 sq. yards of land in collusion with the 3rd respondent when there is no new constructions in the said land the question of grabbing the land to an extent of 1000 sq. yards does not arise. I further submit that the petitioner himself admitting that there was a school building in the part of the said land and it is surrounded by compound wall, the official respondents are not making any new constructions at that place, further I am no way concerned to the allegations in the writ petition and I am not given any administrative sanction for any construction of school building and I am not the concerned authority for granting of any sanction for construction of school building nor the executive authority.”

From the above, it is clear that the petitioner is not in possession of the entire extent of one acre in Sy.No.1016/A at Vemulaghat Village, Togutta Mandal, Medak District, but is in

possession of 1000 sq. yards. The respondents are not threatening or trying to dispossess to the extent of 1000 sq. yards as complained in the writ affidavit.

The statement of the 2nd respondent is placed on record.

The writ petition is disposed of accordingly.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

S. V. BHATT, J

Dt: 19-06-2017

Prv



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