

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11805 OF 2017

O R D E R:

This Writ Petition is filed seeking writ of mandamus declaring the action of the respondents in proposing to dispossess/encroach/interfere with the agricultural lands to an extent of Ac.1-18 guntas in sy.Nos.4/AA, 5/A, 9/A & 10/U situated at Sogbowli village, Rajendranagar and the Plot No.53 in Survey No.8, admeasuring 413.86 sq.yards situated at Royal City, now renamed as Fort View Colony, Sogbowli village, Rajendranagar, Ranga Reddy District, without any due process of law as illegal, arbitrary, unjust and violative of Articles 14, 19, 21 and 300-A of Constitution of India besides being violative of principles of natural justice.

The case of the petitioner is that he purchased an extent of Ac.1-18 guntas in Sy.Nos.4/AA, 5/A, 9/A & 10/U situated at Sogbowli village, Rajendranagar from Smt. T. Ballamma and another, under a Registered Sale Deed dated 16.10.1995 and also purchased the Plot No.53 in Survey No.8, admeasuring 413.86 sq.yards, situated at Royal City, now renamed as Fort View Colony, Sogbowli village, Rajendranagar, Ranga Reddy District, from P. Jagan Mohan Reddy and another, vide Registered sale Deed dated 23.12.1999 and thereby he is the absolute owner and possessor of the said properties. While things stood thus, in

the month of March, 2016 the respondent authorities tried to demolish the compound wall to lay a drainage pipeline through his plot and the agricultural land and the same was timely resisted by him, thereupon, on 06.03.2016 he approached the 3rd respondent and has shown his registered sale deeds along with link documents and proved his title over the said properties. Again, on 06.02.2017 the 3rd respondent came to his plot and marked the effecting portion of the compound wall and, as such, once again he approached the 3rd respondent and explained that the said property is a private land and drainage pipeline cannot be laid through the land in question, without following due process of law. However, on 20.03.2017 the 3rd respondent and his staff came to the subject property and tried to demolish the marked portion of the compound wall highhandedly for laying drainage without following due process of land and without paying compensation or without issuing any notice either under Municipality Act or under the provisions of any other Act. Though the petitioner has shown his registered documents showing his title over the property, the respondents threatening to dispossess him from the property. Since the respondents are government officials and there is every possibility of dispossessing the petitioner from the land by force without following due course of law, the petitioner filed the present writ petition.

Heard both sides.

A perusal of the record *prima facie* reveals that the petitioner is the owner of the schedule land and the record shows that the petitioner is in peaceful possession and enjoyment of his property. Further, it is the allegation of the petitioner that the respondents, without issuing any notice and without conducting any enquiry, are trying to dispossess the petitioner from the schedule property. Therefore, in the interest of justice it would be appropriate to direct the respondent authorities to issue notice to the petitioner before evicting him and after taking into consideration of the explanation, that is being submitted by the petitioner, and after providing opportunity of hearing as required under law, shall pass appropriate orders in accordance with law. Till such time, the final orders are passed, the respondents shall not interfere with the peaceful possession and enjoyment of the petitioner.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. In sequel miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated: 06.04.2017.
Ssv