

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19672 of 2017

ORDER:

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the action of respondents in encroaching into the properties of the petitioners situated at Borancha Village, Mannoor Mandal, Sangareddy District and auctioning shops and parking places without any acquisition proceedings or payment of any compensation to use and without following due process of law as arbitrary and illegal and consequently direct the respondents not to interfere with the petitioners' properties without following due process of law.

2. Heard both sides and perused the material available on record.

3. The case of the petitioners is that the 1st petitioner is the absolute owner and possessor of land admeasuring Ac.0.12 guntas in Survey Nos.17/1A and 17/2A of Borancha Village, Mannoor Mandal, Sangareddy District, the 2nd petitioner is the absolute owner of land to an extent of Ac.0.10 guntas in Survey Nos.17/A2/1 of the same village and the 3rd petitioner is the absolute owner of land to an extent of Ac.0.31 guntas in Survey Nos.17/2E and 17/2E/1 of the same village. It is further case of the petitioner that the 5th respondent, who is the owner of land to an extent of Ac.0.29 guntas in Survey Nos.17/E2 and 17/AA of the same village, gifted land to an extent of Ac.0.10 guntas in Survey No.17/AA under registered Gift Deed No.546 of 2004, dated 28.04.2004, in favour of the 4th respondent temple out of his share

of land and the 5th respondent also got constructed temple to the petitioners' family Goddess as trustee of the temple.

4. Learned counsel for the petitioners submit that except land to an extent of Ac.0.10 guntas in Survey No.17/AA, there is no other land for the temple for any ownership covered by the Gift Settlement Deed executed by the 5th respondent in favour of the 4th respondent temple and that the temple was also constructed in the said land. Learned counsel further submitted that taking under advantage of the earlier disputes in between the petitioners and the 5th respondent, the 4th respondent Temple authorities without any manner of right are encroaching into the petitioners' properties and auctioning their land for the purpose of parking and laying shops temporarily during the festival season causing loss to the crop raised by the petitioners even without any acquisition proceedings or payment of compensation to the petitioners. Learned counsel further submits that under the guise of the Gift Deed No.546 of 2004, dated 28.04.2004, executed by the 5th respondent in favour of the 4th respondent, the respondent authorities are trying to evict the petitioners without following the due process.

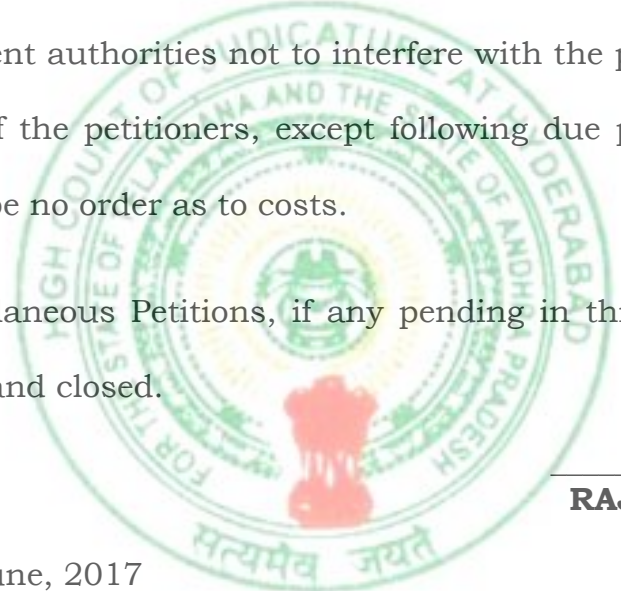
5. Learned Government Pleader for Endowments appearing for respondents 1 to 4 submits that the allegations made by the petitioners are false. If really the petitioners are to be evicted, the respondent authorities would follow the due process of law and appropriate steps would be taken in accordance with law and if the respondent authorities are in view that the petitioners have encroached the properties belonging to the Endowment

Department, then the respondent authorities may be directed to take appropriate steps, in accordance with law, by following the due process of law.

6. In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioners are in possession and enjoyment of their lands, their possession shall not be interfered with by the respondent authorities without following due process of law.

7. Accordingly, the Writ Petition is disposed of directing the respondent authorities not to interfere with the possession and enjoyment of the petitioners, except following due process of law. There shall be no order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.



RAJA ELANGO, J

Date: 16th June, 2017

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