

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.7098 OF 2014

ORDER:

The petitioner prays for the following relief:

..Writ of Mandamus declaring the action of respondent No.2 in interfering with construction of petitioner's house in 55 Sq.yards of plot, code No.025 in Sy.No.131 / 1 of Garepalli Revenue Village, Kataram Mandal, Karimnagar District, as illegal, arbitrary, without authority of law, against the principles of natural justice and unconstitutional and consequentially allow the writ petition by directing the official respondents not to interfere with construction activity of the petitioner on the subject land..."

The petitioner claims to have purchased an extent of 55 square yards in Survey No.131/1 of Garepalli Revenue Village, Kataram Mandal, Karimnagar District through sale deed dated 20.09.2006. Now the complaint of the petitioner is that respondents without recourse to law are interfering with the possession and enjoyment of petitioner. Hence the writ petition.

This Court granted interim order on 20.03.2014. The respondents filed WVMP No.1287 of 2014 and in the counter affidavit filed along with the vacate stay petition, it is stated that the land in Survey No. 131 is Government land classified as 'Kharij Khatha'. The petitioner is not the assignee, but claims to have purchased the property and purchase is contrary to conditions of assignment and law.

From the above, it is clear that respondents claim land in Survey No.131 as Government land and object to the stay and

enjoyment of petitioner under sale deed dated 20.09.2006 as it is contrary to assignment conditions and Act 9/1977. If that is the case, it is always open to respondents to initiate action in accordance with law, cancel assignment and resume possession if circumstances warrant.

The writ petition is disposed of by directing respondents not to interfere with petitioner's possession, except in accordance with law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 05.07.2017
Sp



S.V.BHATT, J

