

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 11096 of 2012

ORDER:

Heard Sri Karanam Ramesh for petitioners and Mr.G.Narender Reddy for Respondent No.1.

2. The petitioners pray for mandamus declaring the action of the Respondents in trying to dispossess them from their ancestral landed property in an extent of Ac.0.30 guntas, bearing old House Nos.1/ 107, 1/ 108, 1/ 109 and 1/ 110, situated at Nallagunta village, Warangal district, stating that it belongs to '*gramakantam*' and the land is allegedly required for the allotment to the weaker sections.

3. I have perused the affidavit of the petitioners and the grievance of petitioners is are stated in two fold – firstly, against the 1st Respondent-Grampanchayat, and secondly against the unofficial Respondents 2 and 3.

4. The 1st Respondent filed a counter-affidavit. Mr.Narender Reddy, draws the attention of the Court to the stand taken by the 1st Respondent in Paragraph-4 of the counter affidavit, and submits that the writ petition has been filed on mere apprehension. The stand of the 1st Respondent as stated in Para-4 of the counter reads thus:

“It is submitted that the averments made in the writ petition is mainly against the unofficial Respondents for which the petitioners have to approach to competent Civil Court but not to file the present petition. The allegations made by the

petitioners are that the 2nd Respondent got passed a resolution dated 08/02/1991 in the Gram Panchayat stating that Ac.0.30 gts of land is available, which is Gram Kantam and the same can be distributed but no such copy is available with the Gram Panchayat records. The demolition of thatched houses in the subject property of Ac.0.30 guntas by the 2nd and 3rd Respondents during the February month of 2012 is not known to this answering Respondent.”

5. Mr. Ramesh for petitioners submits that to the extent of petitioners’ grievance vis-à-vis, the 1st Respondent is concerned the stand taken in the counter affidavit may be placed on record; and as regards to the 2nd and 3rd Respondents is concerned, the petitioners are willing to workout the remedies in a properly instituted suit or proceedings.

6. The statement is placed on record and accepted, and the writ petition is accordingly disposed of, as indicated above. The petitioners are at liberty to workout the remedies available as per law against 2nd and 3rd Respondents. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

January 20, 2017

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Dated: January 20, 2017

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