

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.29881 OF 2016

ORDER:

The writ petition is filed challenging the action of the respondents in not taking any action on the representation dated 29.07.2016, made by the petitioner.

It is the case of the petitioner that his ancestor viz., Balaiah was the protected tenant of the land to an extent of Ac.21.29 gts in Sy.Nos.197 and 198 situated at Moosapet Village, Ranga Reddy District. After his demise, some of the family members of the petitioner submitted an application to the 6th respondent under Section 40 of A.P. (T.A) Tenancy and Agricultural Lands Act, 1950 (for short, "the Act") for grant of succession and also for restoration of possession under Section 32 of the Act. The 6th respondent dismissed the application submitted by the family members of the petitioner by an order dated 20.11.1999. Aggrieved by the said order, the petitioner filed the Appeal Nos.F2/935/99 and F2/428/2000 before the Joint Collector, Ranga Reddy District, and the Joint Collector, initially granted status quo orders on 14.11.2000 directing both parties to maintain status quo and not to alienate the land in question. Subsequently, both the appeals were dismissed by a common order dated 07.03.2006. Questioning the same, the petitioner filed C.R.P (SR) No.18135 of 2006 before this Court and the same is pending.

It is further stated that during the subsistence of the matter and when some unsocial elements started entering into the land in question and making illegal constructions stating that they had purchased the extent of Ac.6.00 from the land holders, the petitioner submitted representation to the respondents to stop the illegal constructions. As there was no action on the representation of the petitioner, the petitioner

had filed a Writ Petition No.3412 of 2004 seeking to direct the respondents 3 and 4 herein to implement the order dated 14.11.2000, passed by the 1st respondent i.e., for maintenance of status quo with respect to the lands situated in Sy.Nos.197 and 198, Moosapet Village, Balanagar Mandal, Kukatpally Municipality, Ranga Reddy District. This Court disposed of the said writ petition by order dated 25.02.2004, directing the respondents therein to work out the modalities by pursuing the matter with the Mandal Revenue Officer, Balanagar and also with Municipality, Kukatpally. Pursuant to the order dated 25.02.2004, the 3rd respondent-District Collector, Ranga Reddy District addressed a letter dated 13.07.2006, to the petitioner's family stating that the illegal constructions would be stopped and the law breakers will be prosecuted.

While the matter stood thus, one Mrs. Zehra Rahmatullah and five others filed a suit for perpetual injunction with regard to the same property in O.S.No.379 of 2005 on the file of the III Additional District Judge, Ranga Reddy District and the III Additional District Judge had granted the status quo orders and inspite of the same, the encroachers are making illegal constructions. Though innumerable representations of the petitioner are pending, no action has been taken by the respondents. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleaders for Municipal Administration, Home, Revenue and Standing Counsel for the Greater Hyderabad Municipal Corporation.

While the petitioner is claiming a right over the land for an extent of Ac.21.29 gts., in Sy.Nos.197 and 198, situated at Moosapet Village, Ranga Reddy District, the averments in the writ affidavit disclose that the third parties are in possession of the lands and also there are other civil disputes pending between the parties. The pleadings in the writ affidavit are vague and except stating that the petitioner's ancestors are protected

tenants of the land in Sy.Nos.197 and 198, situated at Moosapet Village, Ranga Reddy District, there is no other material placed before this Court. In the writ petition as party respondents, District Collector, Hyderabad Municipal Corporation, Deputy Commissioner, Deputy Collector and Tahsildar, Station House Officer and H.M.D.A are made as parties without pleading any specific reliefs against each of the parties. Petitioner seeks a writ of mandamus to consider the representation dated 29.07.2016 to stop the illegal constructions made by the land grabbers in the land owned and possessed by the petitioner. In other words, what the petitioner seeks relief in the writ petition is in the nature of a mandatory injunction against certain unspecified individuals. Even assuming such reliefs can be granted, the omnibus reliefs of this nature cannot be granted in the writ petition. In those circumstances, the writ petition does not deserve any consideration and accordingly the same is dismissed leaving it open to the petitioner to work out the civil remedies in accordance with the law.

With the above observations, the writ petition is dismissed. No order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

28.02.2017.

Note:

Issue CC forthwith.

B/o.

GK

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



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