

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37182 OF 2017

ORDER:

The case of the petitioner is that he is the owner and possessor of house premises bearing H.No.4-47(new), 4-113(old), 4-114, 4-114/1 (Patak Gate) (old), admeasuring to 1745 square yards, situated at Gramakantam, Edulabad Village, Ghatkesar Mandal, Ranga Reddy District having succeeded the same from his mother by name Bhagyawathi, who in turn succeeded the same from her mother by name M.Eshwaramma and they are in continuous possession of the same and also paying house tax regularly to the Grampanchayat. As the structures over the above mentioned House Nos 4-121, 4-122 (old), 4-113, 4-114, 4-114/1 (revised) total admeasuring 1745 square yards became dilapidated and Grampanchayat, Edulabad Village allotted single new house number bearing H.No.4-47 in place of old house numbers. The father and mother of the petitioner died in the year 2011 and 2012 respectively leaving behind the petitioner as legal heir and successor of the above property. After death of his mother, the petitioner visited his village and found some persons have illegally occupied an extent of 298 and 200 square yards out of total extent of 1745 square yards. The petitioner sold an extent of 1002 square yards out of his property and he filed suit in O.S.No.2010 of 2014 on the file of VII Additional Senior civil Judge, Ranga Reddy for

declaration and recovery of possession against the illegal occupants of his property. While so, the respondents 4 and 5 with the support of respondent No.6 along with men and machinery came to petitioner's property bearing H.No.4-47 situated at Gramakantam, Edulabad Village on 26-10-2017 and tried to occupy an extent of 90 square yards belonging to the petitioner and dig pits claiming for construction of the Grampanchayath office of Edulabad Village, without issuing any notice and enquiry and without following due procedure under the Land Acquisition Act, though he has informed about pendency of the above suit in respect of subject property. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and Sri G.Narender Reddy, learned Standing Counsel for Grampanchayat.

As per the property Register maintained by Grampanchayat, the petitioner is the owner of 132 square yards pertaining to H.No.4-47 and respondent-Grampanchayat is not interfering with the said land and the claim made by the petitioner is that he is in possession of the larger extent than 132 square yards is not correct. Along with writ petition mutation proceedings dated 11-09-2013 are filed in respect of H.No.4-47 and the some property receipt is also filed, but extent is no where indicated in the said documents. The extent mentioned by the petitioner in the

writ petition is disputed by the learned Standing Counsel and submits that Grampanchayat is making construction in their own land.

It is to be seen that there are disputed questions of fact, which cannot be resolved in the writ petition and the petitioner can avail the remedy of approaching the Civil Court for enforcing his rights.

In view of the same, I do not see any merit in the writ petition and accordingly, the same is dismissed granting liberty to the petitioner to avail alternative remedy. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

08-11-2017
Nvl

A. RAJASHEKER REDDY, J

