

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.35826 OF 2017

Dated:27.10.2017

Between:

N. Munjaji Rao, Late Satyanarayana,
Aged about 51 years, Occ: Tailor,
R/o.H.No.13-4-670, Andrun Karwan,
Asifnagar, Hyderabad

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.35826 OF 2017****ORDER:**

Heard.

2. Petitioner claims to be the owner of land to an extent of Ac.1.20 guntas in Survey No.49 of Kulsumpura Village, Asifnagar Mandal, from time immemorial. The present Writ Petition is instituted on the allegation that the respondent authorities are trying to erect a board notifying the subject property as Government property and such action is *ex facie* illegal and the property owned by private persons cannot be displayed as belonging to the Government without following due process of law.

3. As can be seen from the averments made in the affidavit filed in support of the Writ Petition, as of now, even according to petitioner, no board is erected and the respondent authorities are now trying to erect the board. In other words, petitioner apprehends erection of board and seeks a *mandamus* to declare the action of the respondent authorities, particularly the Tahsildar in trying to dispossess the petitioner without following due process of law. Since the prayer sought in the Writ Petition itself is in the form of pre-emptive declaration, no direction as sought for can be granted. Moreover, it cannot be said that petitioner is remediless, if the respondent authorities take action and dispossess the petitioner or board is erected claiming the property as belonging to the Government.

4. At this stage, learned Assistant Government Pleader submits that in fact board is already erected and it belongs to NABARD.

5. Therefore, the Court is not inclined to entertain the Writ Petition on the ground that it is premature. The Court is not taking note of the submission of learned Assistant Government Pleader.

6. The Writ Petition is accordingly dismissed leaving it open to the petitioner as well as the Government or the Municipal Corporation to work out their respective claims as available in law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date: 27.10.2017

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P. NAVEEN RAO, J

