

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.15867 OF 2005

ORDER:

The case of the petitioner is that she purchased a house bearing Municipal No.1-1-365/19/1, admeasuring 68 square yards consisting of 3 small rooms and kitchen from his vendor under a registered sale deed dated 19-04-1996 for a valuable consideration in the year 1996 and since then she has been in possession and occupation of the property and has been paying taxes to the Municipal Corporation of Hyderabad. While so, on 26-08-2004 the petitioner submitted an application along with link documents of title deeds, encumbrance certificate and site plan before the 3rd respondent-District Collector for issuance of 'No-objection Certification'. But, the 3rd respondent on 27-10-2004 vide endorsement bearing No.F3/6547 informed the petitioner that the subject land is classified as other remarks Gap Area(Government Land) and informed the Municipal Corporation of Hyderabad not to accord building permission in favour of the petitioner. In pursuance thereof, 1st respondent- Mandal Revenue Officer, Musheerabad Mandal, Hyderabad on 20-01-2005 purportedly issued a notice under Section 7 of the A.P. Land Encroachment Act,1905 informing the petitioner that the subject land is described as "G-Land" and is in unauthorized possession by the petitioner. Being aggrieved by the above proceedings of the 1st and 3rd respondents, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC.

In the light of the facts revealed from the pleadings, no adjudication in this writ petition is either possible, not warranted. There are competing claims to the property in question, one by the respondents claiming that the property is government property and by the petitioner an ambiguous claim as to the ownership and possession. Therefore, the disputed questions of facts cannot be gone into the writ petition. However, the respondent-authorities are directed to consider the representation, submitted by the petitioner while enclosing the documents in support of her claim for issuance of 'NOC', in accordance with law after affording opportunity of hearing the petitioner and then only take appropriate decision.

Accordingly, with the above observation, the writ petition is disposed of. No costs. Miscellaneous Petitions, pending if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 20-07-2018.
TSNR