

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1836 of 2018

ORDER:

It is the case of the petitioner that he purchased the property bearing House No.11-3-1, Seethafalmandi, Secunderabad, from respondent No.4 under an agreement of sale. Respondent No.4 earlier constructed the house after obtaining permission from the municipal authorities on 30.12.1981. The land originally belonged to M/s.BHEL (R&D) Employees Cooperative Housing Society. The petitioner entered into an agreement of sale on 28.07.2008 and filed O.S.No.568 of 2009 against respondent No.4 for specific performance of the said agreement. While so, respondent No.3 took up the proceedings under the provisions of the Land Encroachment Act and issued notice to respondent No.4. The fourth respondent submitted a reply and after considering the reply submitted by respondent No.4, now respondent No.3 passed an order on 05.01.2018 holding that the land held by respondent No.4 is the Government Poramboke land and in Column No.20 it was recorded as "G.Mental Hospital". The total extent of the land in T.S.No.1, Block-B, Ward No.3, correlated to Survey No.127/1 of Bahlookhanguda Village is 276488 square meters and respondent No.4 purchased the said land illegally. Challenging the proceedings of respondent No.3, dated 05.01.2018, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that by virtue of the agreement of sale, now the petitioner is affected by the said order and if respondent No.4 does not take proper proceedings challenging the said order, the petitioner would be affected. He also cited the pending suit in support of his contention.

In the circumstances, liberty is given to the petitioner to file a statutory appeal against the order dated 05.01.2018 passed by respondent No.3 to the competent authority and the said authority shall consider the appeal proposed to be filed by the petitioner and dispose of the same in accordance with law. The petitioner is given fifteen days time from today for filing the appeal. Pending disposal of the appeal filed, if any, the petitioner shall not be evicted from the subject property in his possession.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

24.01.2018
vs