

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.25968 OF 2006

ORDER:

This writ petition is filed seeking to declare the proceedings of respondent No.3 in rejecting the request made by the petitioner for regularization of the property bearing premises No.8-2-603/5, admeasuring 671 square yards, situated in T.S.No.1/3/4, Block H, Ward 10, correlated to Sy.No.403, Shaikpet Village, Hyderabad in proceedings No.122/4456/2003, dated 12.6.2006 on the ground that the said land is vacant land and is in the possession of the Government and the same is proposed for allotment for Fisheries Department, as illegal, arbitrary and violative of Articles 14 and 21 of Constitution of India.

2. The case of the petitioner is that he is the owner of above mentioned land, having purchased the same under a registered sale deed dated 15.11.1989 vide document No.4008/1989 and he is in peaceful possession and enjoyment of the property since then. The petitioner filed O.S.No.2327 of 1996 along with I.A.No.460 of 1996 on the file of the IX Assistant Judge, City Civil Court, Hyderabad for perpetual injunction and obtained interim injunction and thereafter, the same has been decreed *ex parte* on 25-4-2006 against the private individuals and the District Collector is one of the defendants. Later, under the apprehension of the interference of the respondents, the petitioner filed the present writ petition. This Court, by order dated 18-12-2006 in W.P.M.P.No.33345 of 2006, granted *status quo*.

3. The respondents filed their counter stating that the above mentioned land was in requirement for allotting the same in favour of the Fisheries Department.

4. Heard.

5. Learned Government Pleader for Revenue (Telangana) vehemently argued and opposed for granting any relief in favour of the petitioner and prayed to dismiss the writ petition, as the subject land does not belong to the petitioner and it is a Government land and the Government is in possession of the same. He further argued that the petitioner, by virtue of the sale deed, has unauthorisedly occupied the present property, which is not the subject matter of the sale deed. Moreover, the prayer in the writ petition is with regard to restoration of possession of land in favour of the petitioner cannot be considered under Article 226 of Constitution of India.

6. There is force in the arguments of the learned Government Pleader and further as the matter is involved with several disputed question of facts, this writ petition is liable to be dismissed, as the disputed question of facts cannot be decided under Article 266 of the Constitution of India. Accordingly, the writ petition is dismissed. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD, J

Date: 15-03-2018.
Shr.