

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.24695 of 2007

ORDER:

This Writ Petition is filed seeking writ of *mandamus* to declare the action of the respondents in interfering and threatening the petitioners to demolish the existing rooms in Plot No.88 and 89 Part in Sy.No.103 admeasuring 129 sq. yards of the 2nd petitioner and Plot No.89 Part in Sy.No.103 admeasuring 114 sq. yards of the 1st petitioner, situated at Boduppall Village, Ghatakesar Mandal, Ranga Reddy District, without due process of law and without initiating any land acquisition process, as illegal and arbitrary.

The case of the petitioners is that they are absolute owners of the Plot Nos.88 and 89 Part in Sy.No.103 of Boduppall Village, Ghatakesar Mandal and they have purchased the same by way of registered sale deeds dated 08.08.2003; since the date of purchase, they have been residing therein by constructing a small room in the said plots; that the said plots are not assigned property; that they have applied for sanction of plan to the 3rd respondent-Panchayat, but the 3rd respondent refused to issue the sanction plan on the ground that the said property is within the Full Tank Level (FTL). It is the case of the petitioners that since the date of their purchase, they have been residing therein and prior to their purchase, the original pattadars were doing cultivation in the said land, who, thereafter made lay out and sold the plots to the various purchasers by receiving valid sale consideration. On 05.11.2007 at about 11.30 a.m. the officials of the respondents came to the subject property and threatened to demolish the rooms and hence, they filed the present petition.

Learned Assistant Government Pleader for the Revenue would contend that the said plots come within FTL area and hence, the petitioners are not entitled for sanction of plan. The 3rd respondent filed counter-affidavit stating that the subject plots cannot be converted into house sites, because part of the land in Sy.No.103 to an extent of Ac.4.32 guntas and other lands in Sy.Nos.101 to 108 are merged in 'Hanuma Kunta'; that in view of the representation made by the Villagers, the Irrigation Department surveyed the land at the instance of the Mandal Revenue Officer and fixed FTL area for Hanuma Kunta tank and hence, the petitioners are not entitled for any relief.

Heard Sri K. Govind, learned counsel for the petitioners, the Assistant Government Pleader for Revenue and the standing counsel for the 3rd respondent.

According to the petitioners, they have purchased the subject property through registered sale deeds for valid consideration and they have constructed small rooms and have been residing therein since the date of their purchase. The respondents are contending that the said plots come within the FTL area of Hanuma Kunta tank and permission for construction of houses cannot be granted and the petitioners have to vacate the said plots.

Admittedly, the petitioners have purchased the property for valid consideration by way of registered sale deeds. The contention of the respondents is that the subject property comes within the FTL area of Hanuma Kunta tank, permission for construction of houses cannot be granted and the petitioners have to evict the said property.

In the circumstances, as the petitioners purchased the subject property for valid consideration through registered sale deeds and have been in possession and enjoyment of the same since the date of their purchase, the respondents are directed to follow due process of law, if they want to evict the petitioners from the subject property.

The writ petition is, accordingly, disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

Date: 20.06.2018
BSS

KONGARA VIJAYA LAKSHMI, J



HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

51

Writ Petition No.24695 of 2007



Date: 20.06.2018

BSS