

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.12110 OF 2018

Dated:11.04.2018

Between:

Dr. Tirukkovalluru Vijaya Lakshmi,
W/o. Partha Saradhi, aged about 64
Years, Occ: Doctor, R/o.H.No.2-10-934,
S.B.H. Colony, Hanamkonda, Warangal
District

.. Petitioner

And

The Northern Power Distribution Company
Limited, rep., by its Chairman and Managing
Director, Nakkalagutta, Hanamkonda, Warangal
District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.12110 OF 2018****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 2 to 5 and Sri Zakir Ali Danish, learned standing counsel for respondent No.1.

2. Petitioner alleges that she claimed to have purchased 1383 sq. yards of land in Plot Nos.9, 16 and 17 in Survey No.306/A of Shayampet Village, Hanamkonda Mandal, presently forming part of Warangal Urban District, from one Bootham Kumaraiah, by way of registered sale deed, dated 13.02.1989. According to petitioner, in the year 2001, the Northern Power Distribution Company Limited (NPDCL), the 1st respondent, encroached the land of the petitioner and made construction. According to petitioner, NPDCL was allotted land to an extent of Ac.1.00 by the District Collector for construction of an Electrical Sub-Station, which is a Government land in Survey No.579 and the said land is adjacent to the land of the petitioner. She further alleges that in the guise of such allotment, NPDCL encroached the land of the petitioner and made construction. As husband of petitioner was an employee and was not living in the village, he could not notice such illegal encroachment. As soon as petitioner came to know about the encroachment, she moved from pillar to post highlighting the illegality committed by the NPDCL in occupying their land. She made representation to the Hon'ble Governor, Telangana State, and the Governor's Secretariat observed that there is an act of occupation of land by the NPDCL.

3. Based on these facts, learned counsel for the petitioner submits that such action of occupation by NPDCL is illegal and seeks direction to ensure that equivalent land is assigned to the petitioner.

4. The facts on record would disclose that only Ac.1.00 of land was allotted to NPDCL. It is not the case of the petitioner that while allotting Ac.1.00 of land, wrong boundaries were fixed and her land was included in that Ac.1.00 of land. It is not known, whether boundaries were fixed while allotting the land. Petitioner now alleges illegal occupation of her land by the NPDCL. Moreover, it is not clear from the averments of the affidavit filed in support of the Writ Petition or from the material on record that NPDCL is in occupation of land including the land belonging to the petitioner. Even according to the petitioner, assuming that encroachment was made in the year 2001, at this stage, no relief as sought by the petitioner can be granted under the power of judicial review. Whether there was any illegal encroachment of land by NPDCL actually belonging to the petitioner is the disputed question of fact, which cannot be gone into in writ proceedings. Petitioner cannot seek to rely on the correspondence between various authorities to claim that NPDCL was in illegal occupation. Thus, this Court is not inclined to entertain the Writ Petition and the same is liable to be dismissed.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out the remedies as available in law on the allegation of illegal encroachment by NPDCL and the land belonging to the petitioner. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:11.04.2018

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