

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13194 OF 2018

DATED :17.04.2018

Between :

K. Bal Reddy S/o.Late K.Penta Reddy,
Aged about 67 yrs, Occu : Business,
R/o.H.No.9-9-147/1, Reddy Colony,
Champapet, Hyderabad & another.

.. Petitioners

And

The State of Telangana,
through its Principal Secretary,
Revenue, Having office at T.S.Secretariat,
Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

2. This writ petition is filed praying to grant the following relief :

“... to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the action on part of the respondents in attempting to dispossess the petitioners from their land admeasuring 4 acres, situated under Sy.No.83 and 84 at Bandlaguda village and Bandlaguda Mandal, Hyderabad District is highly illegal, arbitrary and in violation of Article 300 A of Constitution of India, consequently, this Hon'ble court may be pleased to direct the respondents not to dispossess the petitioners from their land, admeasuring 4 acres, situated under Sy.No.83 and 84 at Bandlaguda Village and Bandlaguda Mandal, Hyderabad District, without following due process of law and pass any other order or orders.”

3. According to petitioners one Nawab Shamshuddin Khan was the owner of land to an extent of Acs.219 in various survey numbers of Bandlaguda village, Bandlaguda Mandal, Hyderabad, as mentioned in paragraph No.2 of the affidavit filed in support of the writ petition. Under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act, 1973') he declared certain extents of lands as ceiling surplus lands. As the declarant has not surrendered the ceiling surplus lands, Government passed orders taking possession of the excess lands. In that manner, lands to an extent of Ac.13.20 guntas in Sy.No.82 and land to an extent of Ac.13.52 cents in Sy.No.84 has become government lands. According to first petitioner, his father purchased land to an extent of Ac.4.00 in Sy.Nos.83 and 84. The second petitioner is an agreement holder to purchase the land.

Petitioners now allege that the respondent-Government authorities are interfering with the possession and enjoyment of their land and that they have undertaken the work of development of land for the purpose of construction of residential colony for the weaker sections of the society.

4. Petitioners filed proceedings dated 03.11.1977, taking possession of the lands under Section 10 (3) of the Act, 1973. Learned counsel for the petitioners do not dispute that the lands to an extent of Ac.13.20 guntas in Sy.No.82 and land to an extent of Ac.13.52 cents in Sy.No.84 belongs to Government. Admittedly, petitioners claim that they own Ac.4.00 of land in Sy.Nos.83 and 84. The affidavit do not disclose as to how petitioners are contending that Government is encroaching into their land, when it owns land to an extent of Ac.13.52 in Sy.No.84. There is no material on record to show that Government is encroaching into the land of the petitioners. Therefore, in the absence of proper pleadings and more so, based on apprehension that Government is trying to encroach into the lands claimed by the petitioners, no relief as sought for can be granted.

5. Thus, leaving it open to the petitioners to work out their remedies as available in law on the issue of possession and encroachment into their lands, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

17th April, 2018

Note : Issue c.c. in one week.

B/o.

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