

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.22161 of 2006

ORDER:

Heard Sri P.Sri Raghu Ram for petitioner and the learned Assistant Government Pleader for Revenue.

Sri Laxminagar Colony Welfare Association represented by its President filed the instant writ petition for Mandamus declaring the action of respondents in trying to demolish houses and dispossessing the members of Society from their houses constructed in Sy.No.212/1 of Kammaguda Village, Turkayamzal, Hayathnagar Mandal, Ranga Reddy District, as illegal, arbitrary, unconstitutional and violative of principles of natural justice.

The Society prays for a consequential direction to respondents not to demolish the houses and dispossess the members from their houses in Sy.No.212/1 of Kammaguda Village, Turkayamzal, Hayathnagar Mandal, Ranga Reddy District.

On 26.10.2006, this Court issued the following interim direction and the operative portion reads as follows:-

“In the light of the competing claims, pending further orders, the respondents are directed not to demolish the constructions in such of those plots in respect of which not only have the house site patta certificates been issued but also possession delivered. The respondents are at liberty to use the necessary, appropriate and legitimate means to ensure the protection of the remaining land if necessary by preventing any person from taking over or altering the physical features of the land, who has not been delivered possession, pursuant to the

issuance of the patta certificates. The respondents may also take such measures as are appropriate in law to prevent illegal constructions.”

The respondents have neither filed counter affidavit nor vacate stay petition in the writ petition.

The Assistant Government Pleader firstly seeks time to file counter affidavit and secondly, having regard to the interim direction issued by this Court, submits that the interim order can be made as final order and liberty may be given to 3rd respondent to segregate such of those persons to whom land was assigned and possession was delivered and such assignees since have got both assignment and possession, their possession or enjoyment could not be disturbed. As regards persons, who are in possession without assignment and actual delivery of possession by the Department, the 3rd respondent can certainly take action in accordance with law.

The counsel appearing for petitioner consents to the above course of action alternatively suggested by the Assistant Government Pleader.

Hence, the writ petition is disposed of by this order.

(a) The respondents are directed to prepare the list of 58 beneficiaries, who have got orders of assignment as well as possession, within four weeks from the date of receipt of a copy of this order.

(b) The 3rd respondent with reference to the list of 58 persons prepares, as directed supra, makes inspection of the subject land and on being satisfied, confirms the assignment and possession to these 58 persons.

(c) As regards unauthorized possession of any person in the subject land, the 3rd respondent is given liberty to proceed in accordance with law before dispossessing them. The persons, who are in possession without either assignment or actual delivery of possession, are put on notice and opportunity is given to them.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

Dt: 13.03.2018
Prv

S. V. BHATT, J



