

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.28343 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the respondents in interfering with the private patta land of the petitioner admeasuring Ac.1.00 gts, situated at Sy.No.494/A of Old Prabhath Talkies Road, Khammam Town, Khammam District, as illegal and arbitrary.

The averments made in the writ affidavit would show that the father of the petitioner purchased the subject land in the year 1960 for a valid consideration of Rs.5,000/- from one Smt Ayamma through the registered sale deed dated 5.1.1960 and since then, the father of the petitioner was in possession and enjoyment of the subject land. After the demise of the father of the petitioner, petitioner became the owner of the said property and his name was also mutated in the revenue records. While things stood thus, petitioner submitted an application to the Municipal Corporation, Khammam seeking permission for construction of A.C Sheet Shed and the same is pending for consideration. It is stated that recently when Samagra Survey conducted by the Government of Telangana, petitioner was also issued pattadar passbooks and title deeds in respect of the above said lands. While so, the 4th respondent is trying to interfere with the subject land of the petitioner on the ground that the said property belongs to Wakf Board. It is stated that adjacent properties of Sy.Nos.495 and 496 are notified as Wakf properties but the property situated in Sy.No.494 though a private land, the authorities are trying to interfere with the possession.

Learned Standing Counsel for the Wakf Board, would submit that the sale deed relied upon by the learned counsel for the petitioner refers to property in Sy.No.494 and the claim of the petitioner in the writ affidavit in Sy.No.494/A.

Learned counsel for the petitioner submits that recently when Samagra Survey was conducted by the Government of Telangana, petitioner was issued pattadar passbooks and title deeds in respect of the above said lands and he is in possession and enjoyment of the same, but the respondents without having any right whatsoever, are interfering with the possession and enjoyment of the petitioner's property.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 4th respondent, to follow due process of law, before taking any steps to dispossess the petitioner from the subject lands, if the petitioner is in possession of the same.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:28.08.2018.
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C. PRAVEEN KUMAR, J



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