

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 35056 of 2018

ORDER:

1) Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the writ petition is disposed of at the admission stage itself.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondents in interfering with peaceful possession of the petitioner in respect of land in Survey No.253/30, situated at Attapur village, Rajendranagar mandal, Narsareddy colony, Tadban, Hyderabad, Telangana State, as illegal and arbitrary.

3) The averments in the writ affidavit would show that the petitioner claims to be the owner of the property referred to above, which he has inherited through late Nizam. It is stated that the name of late Nizam has been shown in the blue book, which contains all the private properties allotted by the Central Government and State Government. While the matter stood thus, the petitioner filed an application 05.03.2018, for correction of entries in revenue records. Since the said application was not disposed, the petitioner filed W.P.No.11311 of 2018 before this Court, seeking correction of entries in the revenue records. By an order

dated 16.04.2018, this Court, while disposing of the said writ petition, left it open to the petitioner to work out the remedies as available under law. Now the present writ petition came to be filed stating that the official respondent is instigating the third parties to encroach upon the said land, with the support of the unsocial elements, who are trying to dispossess the petitioner.

4) A perusal of the affidavit does not show as to who are those third parties, who tried to encroach upon the land of the petitioner. Though learned counsel for the petitioner would submit that the unsocial elements are trying to dispossess the petitioner everyday, but the said averment is not reflected in the affidavit filed in support of the writ petition.

5) Learned Government Pleader for revenue, on instructions, states that the property is in the custody of the Government, as such the question of interference by the authorities would not arise. The same is disputed by the learned counsel for the petitioner.

6) Having regard to the statement made by the learned Government Pleader that the official respondents are not interfering, as the land is in the custody of the Government, the question of adjudicating the dispute would not arise.

7) Hence, the writ petition is dismissed.

8) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

28.09.2018
vhh

