

THE HON'BLE SRI JUSTICE A. RAJASEKHAR REDDY

WRIT PETITION No.35270 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed for the following relief :

“To declare the action of respondent No.2 in interfering with the peaceful possession and enjoyment without following due process of law of the scheduled house properties of the petitioners situated at Ganesh Nagar, Near Vasavi Shiva Nagar, Kushaiguda, Kapra Circle under GHMC, Kapra Mandal, Ranga Reddy District, i.e., petitioner No.1 in Plot No.131 (North part) in Sy.No.199/25 to the extent of 60 sq.yards or 50.16 sq.mtrs; petitioner No.2 in Plot No.135 (Part) (south side) and Plot No.136 in Sy.No.199/25 admeasuring 20 sq.yds and 80 sq.yards respectively, total admeasuring 100 sq.yards or 83.6 sq.mtrs, and petitioner No.3 in Plot No.133 in Sy.No.199/25 admeasuring 100 sq.yds and 83.6 sq.yds, as arbitrary, illegal, unjust and violative of fundamental rights guaranteed under Article 14 and 19 (1) (g) of the Constitution of India “

Learned counsel for the petitioners submits that they are the absolute owners and possessors of their respective plots in Sy.No.199/25 situated at Ganesh Nagar, Near Vasavi Shiva Nagar, Kushaiguda, Kapra Circle under GHMC, Kapra Mandal, Rangareddy District and they are residing in the premises by erecting tin sheeted sheds and also got electric power connection and paying necessary charges. Now the petitioners want to construct semi permanent residential houses in their plots, Respondent No.2 is interfering with the progress of the construction work without following due process of law. Aggrieved by the same, the present Writ Petition is allowed.

Heard argument of learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue submits that the subject land is a Government land and that the so called agreement of sale does not indicate on what basis the vendor of the petitioners got title over the subject property and permission for

construction of the work is also not filed. The respondents are disputing the title of the petitioners. Except unregistered agreement of sale, there are no documents filed by the petitioners.

In view of the same, this Court is not inclined to entertain the present Writ Petition as this Court cannot decide the disputed question of fact and declare the title of the petitioners in this Petition.

Accordingly, this Writ Petition is disposed of granting liberty to the petitioners to avail alternative remedy as per law. The miscellaneous Petitions, if any, pending in this case shall stand closed.

Dt: 13-11-2018
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A. RAJASHEKER REDDY, J



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