

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.5317 OF 2019

Date:14.03.2019

Between:

Ravi Gnandickam, S/o. George G,
Aged abut 60 years, Occ: Retired
Employee and others

.. Petitioners

And

The Union of India, rep., by its
Principal Secretary, Ministry of
Defence, 234, South Block,
New Delhi and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.5317 OF 2019****ORDER:**

Heard learned counsel for the petitioners and learned Standing Counsel for the Central Government appearing for respondents 1 to 3.

2. Petitioners claim to be the representatives of St. John Messonic Lodge, Secunderabad. They claim that the said St. John Messonic Lodge purchased Acs.5.00 of land, including a bungalow situated at Marredpally Village, Shamshabad Taluq, Basheerabad District, Secunderabad City, from the original landlord for valuable consideration and the said property was succeeded by their vendor from his ancestor and the said land was granted to his ancestor of erstwhile Nizam, as the said property is a Paigah Asmajahi in lieu of the services rendered by his ancestors. According to petitioners, it is, thus, a purely private patta land belonging to St. John Messonic Lodge, Secunderabad. From out of the said land, Acs.0.19 gts., of land is claimed by respondents 2 and 3 and they are making efforts to raise construction. A notice was issued on 05.03.2019 to the respondents not to take any coercive steps to raise construction or construct any compound preventing the tenants of G.P.A. holder by dispossessing his possession being the G.P.A. holder of original landlords. While so, with an intention to dispossess the G.P.A. holder, without following due process of law, on 10.03.2019, the respondents came to the subject land and illegally erected the board saying that the said land belongs to respondents department. Hence, this Writ Petition.

3. Petitioners pray to declare the action of the respondents in trying to raise construction over the land belonging to the G.P.A. holder comprising of Door No.222 in Survey No.419 (Old GLR Sy.No.657), GLR Sy.Nos.491 and 490 of Boosareddyguda Marredpally, Secunderabad, as arbitrary and illegal.

4. As can be seen from the averments filed in support of the Writ Petition, petitioners claim to be the owners of the land in issue, whereas according to them, the respondents are claiming the subject land belonging to them. In other words, there appears to be some dispute with regard to ownership over the subject property. In other words, what is sought in the Writ Petition is in the form of a declaratory suit to declare the petitioners as owners of the property and consequently to hold the action of the respondents in interfering with the possession and ownership and to make illegal construction. This requires to bring forth evidence on ownership claim between the rival parties. In exercise of power of judicial review under Article 226 of the Constitution of India, no such exercise can be undertaken. Petitioners have to avail civil law remedy against the claim of the respondents on the subject property and seek appropriate relief.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioners to work out their remedies as available in law. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:14.03.2019

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