

High Court for the State of Telangana

The Hon'ble Sri Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice Abhinand Kumar Shavili

Writ Petition No.5573 of 2019

Date: 22-03-2019

Between:

Smt. Manthena Yashodhara Devi

...Petitioner

and

The State of Telangana
Rep. by its Prl. Secretary
Revenue Dept., Secretariat
Hyderabad and another

...Respondents

Counsel for the Petitioner:

Mr. B. Srinivasulu

The Court made the following:

Order: (per Hon'ble Sri Justice Raghvendra Singh Chauhan)

The petitioner, Smt. Manthena Yashodhara Devi, is aggrieved by the order dated 12-12-2017, passed by the XIV Additional District Judge, L.B.Nagar, Ranga Reddy District, whereby the learned Judge has dismissed the original petition, namely L.G.O.P.No.478 of 2002, filed by the petitioner against the respondent No.2 for allegedly grabbing her land.

The brief facts of the case are that the petitioner claims to be the owner of Plot No.16 admeasuring 1000 square yards in Survey No. 36/4 situated in Krishna Nagar Colony, Bandlaguda Village, L.B. Nagar Municipality, Ranga Reddy District. According to the petitioner, she has bought the said plot from one Mr. Veeraiah through the GPA holder-Mr. A. Balakrishna Reddy under registered sale deed dated 17-05-1969. The petitioner claims that ever since then, she has been in the peaceful possession of the said property.

Moreover, according to the petitioner, on an earlier occasion, one Mr. Konam Brahmaiah had illegally occupied the south-east corner of the said plot. Therefore, the petitioner was compelled to file a petition, namely L.G.O.P.No.818 of 1996 before the learned Tribunal. The said petition was

allowed, and the possession of that portion of the plot was handed over to the petitioner.

However, subsequently, the petitioner alleges that the respondent No.2, Mr. Y. V. Raghava Rao, has encroached upon her plot. Therefore, she has filed the present petition, namely L.G.O.P.No.478 of 2002 before the learned Tribunal for seeking possession of the portion of the plot illegally occupied by the respondent No.2.

The respondent No.2 filed his counter wherein he has clearly stated that he is the absolute owner of plot No.36, admeasuring 266.6 square yards, in Survey No.39 of Bandlaguda Village. According to him, he had purchased the said plot under a registered sale deed, dated 17-11-1994, from Smt. B. Padma and Smt. V. Rama. Subsequently, the respondent No.2 had filed an application before the L.B.Nagar Municipality for permitting him to raise construction of a house thereon. The said permission was granted to him on 04-09-2001. Therefore, he had constructed his house in accordance with the permission so granted.

In order to substantiate his case, the petitioner had examined herself as P.W.1, and had submitted ten documents.

On the other hand, the respondent No.2 had also examined himself, and another witness as R.W.1 and R.W.2, and submitted eight documents. After going through the evidence produced by both the parties, the learned Tribunal dismissed the OP filed by the petitioner. Hence, the present writ petition before this Court.

Although the impugned order is dated 12-12-2017, it has not been challenged by the petitioner till 15-03-2019. Yet, there is no explanation for the inordinate delay of two years in challenging the said order. Therefore, the present writ petition is hit by delay and laches. Even the learned counsel for the petitioner has not been able to orally explain the cause for the delay. Hence, this petition can be dismissed only on the ground of delay and laches.

Even on merits, the learned counsel for the petitioner has not raised any meaningful contention except to submit that the petitioner's plot measures 1000 square yards, and the respondent No.2 has encroached upon the said plot.

However, the said contention is clearly unacceptable as according to the report (Ex.A.5), submitted by the M.R.O., the property in dispute is Plot No.16, in Survey No.36/4 of

Bandlaguda village. When he inspected the site, he found that the petitioner had a built up area of 177 square yards out of 1000 square yards, and “*the remaining extent of land of 676 square yards is vacant at present*”. Moreover, the learned Tribunal has clearly noticed the fact that the petitioner has not filed any document to show any illegal encroachment made by the respondent No.2 upon the property in dispute. Therefore, the learned Tribunal was certainly justified in dismissing the OP filed by the petitioner.

For the reasons stated above, this Court does not find any illegality or impropriety in the impugned order. Therefore, this order is devoid of merit. It is, hereby, dismissed.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, J)

(Abhinand Kumar Shavili, J)

Dt: 22nd March, 2019
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