

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.5713 of 2019**

**ORDER:**

Heard Ms. Vladimeer Khaton, learned counsel for the petitioner, Sri Pasham Krishna Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation, and the learned Government Pleader for Municipal Administration and Urban Development.

It is a case where the petitioner claims to be in possession of Plot Nos.176 to 179, 195, 180, 191, 181, 190, 182 to 189, 167 to 170, total admeasuring 2000 Sq.yards, equivalent to 1672.2 Sq.meters, in Survey No.103/13, situated at Bandlaguda Khalsa, Bandlaguda Mandal, Hyderabad. It is the allegation of the petitioner that the respondent-Municipal Corporation is disturbing his possession without following due process. It is also his case that on 03.01.2019 the petitioner had addressed a letter to the Commissioner requesting not to interfere and not to trespass into the petitioner's land and also not to carry out constructions in the land of the petitioner. The petitioner states to have acquired right over the land through an Agreement of Sale dated 18.08.2012.

Counter affidavit is filed by the Deputy Commissioner (Circle-8), Chandrayangutta, GHMC, Hyderabad. The counter reads as under:

**"I, Sherly Pushya Ragam, w/o Manoj Kumar, aged 57 years, Occ: Dy. Commissioner, Circle-8, G.H.M.C., Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows:**

1. I submit that I am the Dy. Commissioner, Circle-8, GHMC as such I am well acquainted with the facts of the case and also deposing on behalf of respondent no.2 to 6.

2. It is submitted that the Writ petition filed by the petitioner is devoid of merits and not maintainable under law. The allegations made in the affidavit in support of the petition against us are false and baseless, mischievous and misconceived. We deny the truth of the allegations in the affidavit filed in support of the Writ petition except those that hereinafter expressly admitted to be true and puts the petitioner to strict proof thereon.

3. It is submitted that as per the records of the GHMC land in Sy No.103/13/3, 103/14/2, 103/15/2, 103/16/2 of Bandlaguda Kalsa to an extent of Acres 4-16 Gts is government land. Accordingly this land was allocated to GHMC under the scheme of JNNURM housing scheme. A panchanama was conducted on 02.11.2011 and handed over for the above extent of land to the Dy. Executive engineer, GHMC housing.

4. It is submitted that the revenue divisional officer received a letter from the MRO-Bandlaguda on 10.09.2014 in this regard for construction of multipurpose stadium by the GHMC in an extent of Acres 4 – 16 Gts. Even the local MLA also requested GHMC to construct stadium for public use. The total amount allocated for this project is 480 lakhs and this work is entrusted to agency named as Sri. M.V.V. Sathyanarayana contractor. This process of contract is conducted in E-tender process. From 2013 onwards this work is going on by cutting the boulders and removing the hill rocks and levelling the land.

5. It is submitted that this land is under the control of GHMC and at about 80% of the retaining wall is completed. At this point of time petitioner created an unregistered agreement of sale for the purpose of grabbing this land and also to claim the compensation without having any value in title. Agreement of sale will not confer any right or title to the petitioners. Moreover, this piece of land is a government land which is allotted to GHMC for the above mentioned reason.

6. It is submitted that there is no need to acquire the land of the petitioner as alleged by the petitioner. Petitioner is trying to mislead this Hon' ble Court saying that the land in which work is going on is related to multipurpose stadium for the welfare of the people. No land acquisition proceeding is necessary and no notice is required to the petitioner.

Apart from the counter affidavit, the letter addressed by the Tahsildar to the Revenue Divisional Officer, along with the Executive

Engineer, Project Division, proceedings dated 08.08.2014, and the Panchanama dated 02.11.2011 were also placed before this Court.

It is the case of the respondents that the land over an extent of Ac.4-16 guntas was handed over by the Mandal Surveyor of the Revenue Department, to the Executive Engineer, Project Division, GHMC, under Panchanama, for construction of Multipurpose Stadium, and about 80% of the construction work is already over. It is the further case of respondents that during the handing over of subject land, the Tahsildar had informed that there were only two encroachments; one is about 120 square yards, and another is a plotted area, Mosque and Bilal Milk Dairy, over an extent of Ac.1-03 guntas, and the name of the encroacher was Sri Khaja Hasan, Islamia College; and except that there are no other encroachments, and the construction of Multipurpose Stadium is being made leaving the Mosque area.

Considering the assertion of the petitioner, as well as the assertion of respondents, and considering the un-registered Agreement of Sale document dated 18.08.2012, which was placed before this Court by the petitioner, the petitioner's counsel was queried with respect to the petitioner's claim being specifically with plot numbers, there must have been some layout evidencing plotting by an authentic authority. Learned counsel for the petitioner could not answer the query except saying that it is the document which represents the plots.

Having perused the Agreement of Sale dated 18.08.2012, which is an un-registered and inadequately stamped document, and there being

no description with respect to the person who is the alleged vendor of the petitioner's title, no reliance can as such be placed on the document by the Court, particularly, when the entire extent of land of Ac.4-16 guntas is Government land and the same was handed over to the respondent-GHMC by the Revenue Department. There is dispute not only with respect to the identity of the property, but also with respect to the very existence of the property, and also the existence of rights claimed by the petitioner.

In that view of the matter, this is not a case where any order can be made or any protection can be granted in favour of the petitioner based on the document of the nature which the petitioner seeks to rely on, to assert his rights over the property. The writ petition lacks merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

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**CHALLA KODANDA RAM, J**

12<sup>th</sup> November, 2019

**Note:** Issue C.C. in two days  
B/o ksm

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KSM