

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6673 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:-

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action the Respondents in not considering the writ petitioner's representation dt 22.09.2017 in respect of his properties situated in Sy.Nos.277 to 342 and 345 to an extent of 957 acres and 9 guntas in Papalguda Village, Gandipet Mandal, Ranga Reddy District, as unjust and arbitrary and consequently direct the respondents to consider the representation dt 22.09.2017 submitted by the petitioner in the interest of justice and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

The petitioner's representation dated 22.9.2017 is worthy of extraction. It reads as under:

“Respected Sir,

Sub: Request to survey my land and vacate the encroacher and handover my land-Regarding.

With reference to the above cited subject land that I the undersigned submitted a few lines for your kind consideration and favourable action in this regard.

I Seetal Singh, GPA holder of the pattadar of lands in Sy.Nos.277 to 342, 345, 360 and 368 situated at Puppalguda Village, Rajendranagar Mandal, Ranga Reddy District.

It is to inform you that on the above said land some land grabbers are illegally encroached the land and they are still in the possession which is totally illegally and unlawful and also I am herewith submitting all the relevant documents pertaining to my land for your ready reference.

Hence, I humbly requesting you sir, kindly survey my above said land and handover me the land and do the natural justice, for which act of kindness I shall be very grateful to you sir.

Thanking you”

It is the case of the petitioner that the Deputy Custodian (Collector), Hyderabad District, issued notification dated 17.2.1951 under the provisions of the Administration of Evacuee Property Act, 1950, declaring that the evacuee properties of Sri Nawab Fakhar Yar

Jung Bahadur situated at Banjar Papalguda, Hyderabad West Taluq, belong to him.

It is not explained as to what would be the consequence of the aforestated notification but the representation dated 22.9.2017 reflects that the petitioner seems to be under the misconception that it is the duty of the State and its authorities to protect the possession of the legal heirs of late Nawab Fakhar Yar Jung, if they are in actual possession, from land grabbers. They now seek a direction to the State and its authorities to survey the said land and remove the land grabbers therefrom and deliver possession thereof to them.

There is no legal basis for the petitioner to make such a representation as no duty is cast upon the State and its authorities to do the needful as requested by the petitioner. The representation dated 22.9.2017 made by the petitioner was therefore utterly misconceived and no writ of *Mandamus* can be issued to the authorities to act thereupon.

The Writ Petition fails and is accordingly dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

01st April, 2019
dr

JUSTICE SANJAY KUMAR