

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 12996 of 2019

Date : 28.6.2019

Between:

Ram Linga Reddy S/o late Achi Reddy
aged about 84 years
Occ Business R/o H No 18-2-520
Jangamet Falaknuma Hyderabad

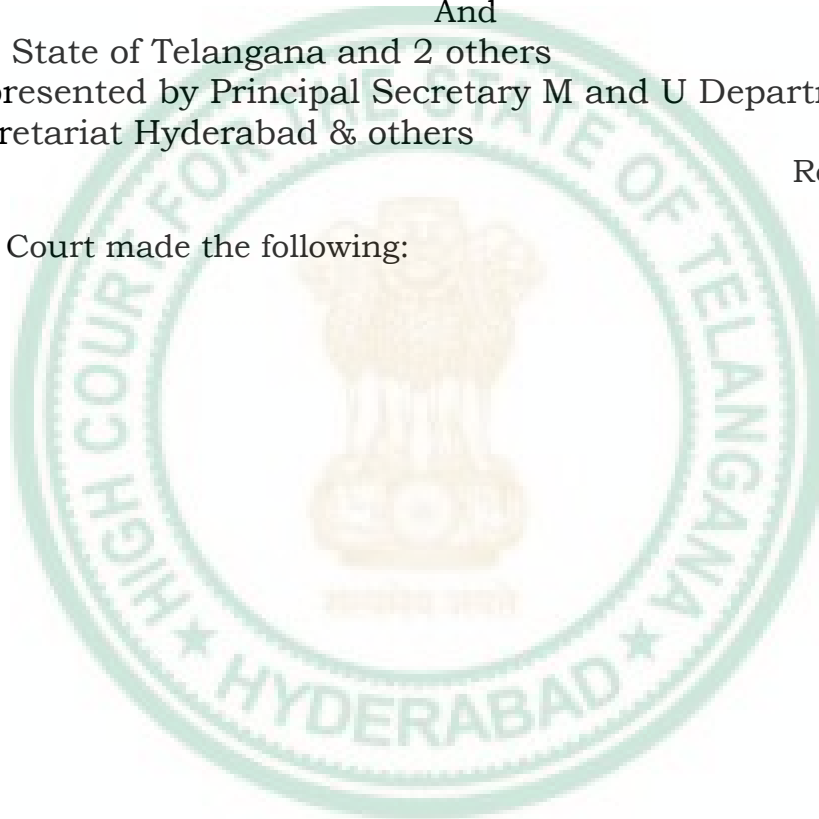
Petitioner

And

The State of Telangana and 2 others
Represented by Principal Secretary M and U Department At
Secretariat Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned standing counsel for GHMC.

2. Petitioner claims to be absolute owner and possessor of land to an extent of 2225.77 sq meters in Survey No. 171 and an extent of 13558 sq meters in Survey No. 103/3, Tulasinagar, Bandlaguda mandal, Hyderabad. Petitioner claims that proceedings of the Special Officer and Competent Authority, Urban Land Ceiling Act dated 23.10.1986 would disclose that subject property is his exclusive property. While so, recently work order was issued for construction of RR Masonary boundary wall to Manvanikunta Graveyard from Cristal Town to 18-13-8/N/21 via Maisamma temple in Jahangirabad, Tulasinagar in Chandrayanagutta division and petitioner alleges that under the guise of the said work order, the contractor is illegally interfering with his possession and enjoyment and undertaking digging work to construct the compound wall and the same is illegal.

3. The work order and the correspondence relating to work order are placed on record. At page 14 site plan is enclosed. Based on these documents and photographs filed along with the writ petition, learned counsel for petitioner sought to contend that land in which proposed digging work is undertaken belongs to petitioner, therefore, there cannot be any encroachment and construction of compound wall. Based on the material documents, it cannot be said now that respondents are undertaking the digging work on the land claimed to be

belonging to petitioner. First petitioner has to establish by cogent material that the subject land belongs to him and compound wall is proposed by encroaching into his land, which are questions of fact, which cannot be gone into by this Court. As can be seen from the work order, what is proposed is construction of RR Masonary boundary wall to Manvanikunta Graveyard, therefore, if petitioner is aggrieved, he has to establish that subject compound wall is proposed by encroaching into his land before the appropriate civil Court. Based on the averments of petitioner, Court cannot hold the proposed construction activity undertaken by respondents as illegal. Thus, writ petition is dismissed, leaving it open to petitioner to work out remedies available in civil law. No costs. Miscellaneous petitions, if any pending, are closed.

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TVK

P NAVEEN RAO,J

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