

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.13089 OF 2019

Date: 8.7.2019

Between:

M/s Geetha Weaker Cooperative Housing Society,
TAB-28 of 1974, rep. by its Secretary
Mohammed Mustafa Ali

.. Petitioner

And

State of Telangana, rep. by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others.

.. Respondents

The Court made the following:



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ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Respondents and perused material available on record.

2. Petitioner society claims to be owner and possessor of land in Survey No.47 to an extent of Ac.5.00 guntas and in Sy.No.153 to an extent of Ac.5.00 guntas situated at Kapra village, Keesara Revenue mandal, Ranga Reddy district by virtue of Gift Deed dated 10.4.2008 executed by Mohd. Ishaq Aleemuddin Khan, who is the GPA holder of Smt.Mehboobunnisa Begum and since then petitioner society is in possession and enjoyment of the said property.

3. The learned counsel for petitioner, by drawing attention of the Court to Gazette Notification published on 25.5.1967, submits that the subject land is a private land and petitioner's donor was the owner of the subject land and gift deed was validly executed in favour of petitioner society. According to learned counsel petitioner society is a non-profit organization and was established for the purpose of providing land to the landless poor persons. The respondent authorities are illegally interfering with the possession of the petitioner. In this regard, petitioner society made a representation to the District Collector on 7.5.2019, requesting him to direct the revenue authorities not to interfere with its possession and enjoyment over the subject property.

4. Except referring to the gazette notification, no other material is placed before the Court to show that the petitioner is in possession of the land. The gift deed on which reliance is placed is an unregistered one and in consequence thereof, no material is filed to show possession was

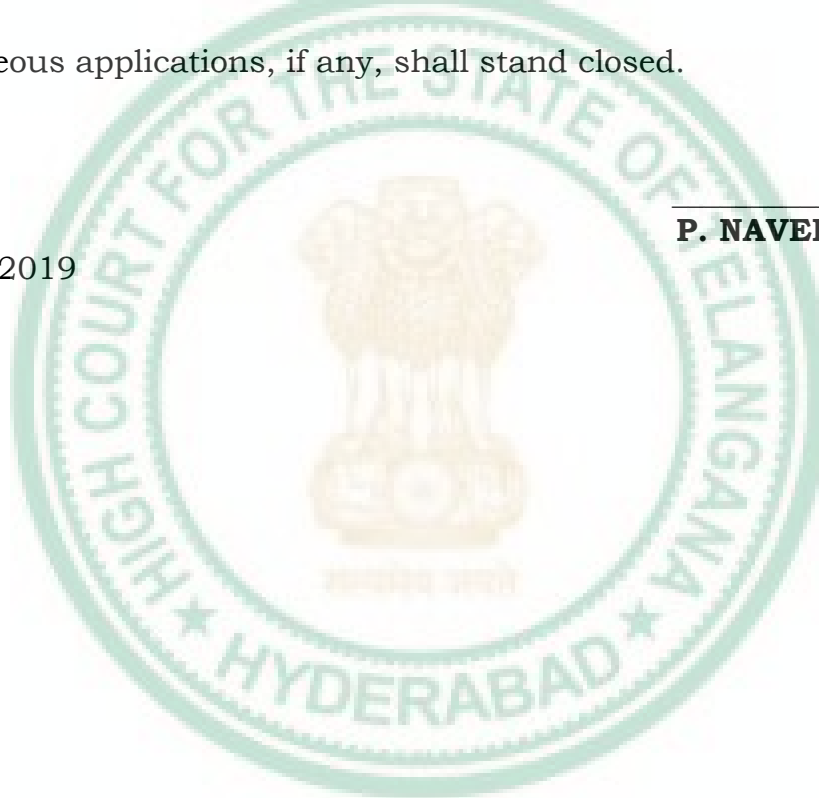
handed over to the petitioner. Petitioner must show that he is in possession of the property.

5. Further, on 1.7.2019, at request of petitioner's counsel, the matter was adjourned to ascertain and place before the Court as to how petitioner society claims to be owner of land. No material is placed before the Court except unregistered gift deed. In view of the same, this Court is not inclined to entertain the writ petition.

6. Accordingly, the writ petition is dismissed, leaving to the petitioner society to work out its remedies as available under law. As a sequel, the miscellaneous applications, if any, shall stand closed.

Date: 8.7.2019
DA

P. NAVEEN RAO, J



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