

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13924 OF 2019

DATED :10.07.2019

Between :

S.Narsimha Reddy S/o.Late Srisailam Reddy,
Aged about 53 yrs, Occu : Business,
R/o.H.No.2-73, Kanakawada Village,
Ranga Reddy District & others.

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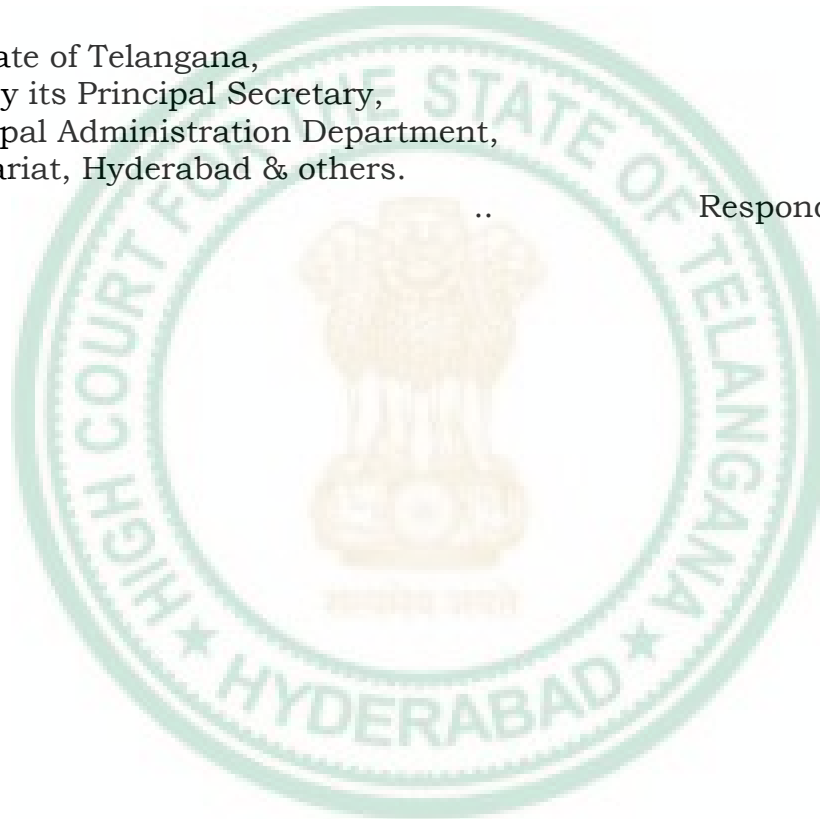
Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for respondents 1, 2 and 4 and Sri Pasham Krishna Reddy, learned Standing counsel for respondents 3 and 4.

2. It is the case of petitioners that the 1st petitioner is the owner and in physical possession of land to an extent of 10,737 Square yards in Sy.No.35 of Akbar Nagar, Kandikal Village, Hyderabad, within Municipal Ward No.18, Block No.8. The said property was acquired by the 1st petitioner by way of registered sale deed dated 08.08.1978. With an intention to develop the subject property into house plots, the 1st Petitioner got executed registered Power of Attorneys in favour of petitioners 2 and 3. In pursuant thereof, when petitioners 2 and 3 wanted to clear the bushes to start development work on the subject property, respondents 2 to 5 came to the subject property and stopped development work saying that there is government land adjacent to 1st petitioner's property. Petitioners now allege that the respondent-officials have not fixed the boundaries nor they permitted the petitioners to develop the property.

3. The very averments in Paragraph No.3 of the affidavit itself would disclose that there is dispute between the petitioners and respondents. So far petitioners have not applied for conversion of land, have not applied for permission to develop the land but

they only intend to clear the bushes and level the land. If there is dispute between the petitioners and respondents with reference to boundaries or extent of land, the remedy is otherwise. Petitioners ought to have applied for conducting of survey and demarcation by establishing their ownership claim. Without doing so, petitioners cannot allege of illegal interference by the respondents and seek a direction not to interfere. No such relief can be granted in writ proceedings, more so, when even according to petitioners, Government is claiming that they have land adjacent to petitioners land.

4. Thus, leaving it open to the petitioners to work out their remedies on the alleged interference and demarcation, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

10th July, 2019
Rds

P.NAVEEN RAO,J