

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22289 OF 2019

Dated:21.10.2019

Between:

Jekmukala Hanumantha Reddy,
S/o. Bal Reddy, aged about 70 years
And others

.. Petitioners

And

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

.. Respondents



This Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22289 OF 2019

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 to 3, learned Government Pleader for Panchayat Raj for respondent No.4 and Sri G. Narender Reddy, learned standing counsel for respondent No.5.

2. Petitioners instituted O.S.No.370 of 1996 on the file of the Principal Senior Civil Judge, Ranga Reddy District, against the State, the Mandal Revenue Officer and some private persons. By judgment dated 02.07.1999, the said suit was allowed and *ex parte* decree was granted holding that the plaintiffs be declared as owners of the suit schedule property subject to payment of market value to defendants 1 and 2 and defendants 1 and 2 were directed to take appropriate steps to fix the market value and collect the same within three months from the plaintiffs and the plaintiffs are entitled to perpetual injunction subject to payment of market value. Petitioners later filed W.P.No.1526 of 2003 alleging that the decree granted by the competent Court is not complied. The said Writ Petition was disposed of by order dated 17.02.2003 directing the respondents therein to fix the market value as directed by the civil Court and intimate the same to the petitioners within eight weeks from the date of the order. Petitioners filed another W.P.No.25637 of 2006 alleging inaction on the part of the State and the Mandal Revenue Officer in not considering the representation dated 10.07.2006 made pursuant to the judgment

in W.P.No.1526 of 2003 and the decree granted in O.S.No.370 of 1996 in respect of land admeasuring Ac.0.33 guntas in Survey Nos.6, 7 and 8 of Jaggamguda Village, Shameerpet Mandal, Ranga Reddy District. The said Writ Petition was disposed of by order dated 23.04.2018 directing the respondents to consider and dispose of the representation in the light of the market value certificate dated 22.02.2018 within a period of eight weeks from the date of receipt of a copy of the order.

3. This Writ Petition is filed contending that the above extent of land is treated as Gramakantam contrary to the judgment of the civil Court and the earlier directions of this Court and sought further declaration that allotment of Ac.0.33 guntas of land for the purpose of playground by respondents 4 and 5 is without authority.

4. The proceedings placed on record would show that the subject land was allotted to playground. The declaration sought in the Writ Petition cannot be granted in view of the earlier orders of this Court in W.P.No.1526 of 2003. In the said Writ Petition, this Court noted that the petitioners were in possession of the property in an extent of Ac.0.33 guntas forming part of Gramakantam and the petitioners purchased the same by paying the market value. Therefore, the declaration now sought is contrary to the earlier statements made by them and therefore it is not permissible.

5. Learned counsel for the petitioners sought to contend that the decree is not complied so far and the directions issued were not implemented. That issue is entirely different and this Court

cannot go into the same. The Writ Petition is liable to be dismissed as the prayer sought is not maintainable.

6. The Writ Petition is accordingly dismissed leaving it open to the petitioners to work out their remedies as available in law. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:21.10.2019

KH

