

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2006 of 2014

ORDER:

The prayer of the petitioners 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 a writ or order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ by declaring the action of the Respondent Nos.2 & 3 in threatening the Petitioners to vacate the premises bearing Nos. 1-124/C/2, 1-124/C/4, 1-124/C, Nizampet Village, Quthubullapur Mandal, Ranga Reddy District, without giving any notice and opportunity is illegal arbitrary and violation of principles of natural justice consequently direct the Respondent Nos.2 & 3 not to evict the Petitioners from the premises bearing Nos.1-124/ C/2, 1-124/C/4, 1-124/C Nizampet Village, Quthubullapur Mandal, Ranga Reddy District, without following the due process of law and pass such other order or orders in the interest of justice.'

The Tahsildar, Bachupally Mandal, Medchal-Malkajgiri District, filed a counter-affidavit denying the claim of the petitioners. According to him, the land admeasuring Acs.71.12 guntas in Survey No.332 of Nizampet Village is classified as 'Bancharai Sarkari (Government land)'. He furnished the details of allotment of this land to various persons. He further stated that in order to protect the vacant land admeasuring Acs.1.26 guntas from encroachment, the Government constructed a compound wall after obtaining necessary permission from the District Collector under letter dated 28.02.2014. He specifically averred that since then the vacant land has been in the possession of the authorities but various persons claiming rights as assignees were creating fabricated documents to establish their possession. As regards the petitioners, he stated that taking advantage of the fact that the land was vacant, they made efforts to encroach upon the

property by raising temporary huts in the year 2014 and having noticed the same, the authorities resisted their action and protected the property by constructing the compound wall. He categorically denied the rights being claimed by the petitioners on the strength of the so-called door numbers obtained by them and the house tax receipts secured from Nizampet Gram Panchayat.

No reply-affidavit was filed rebutting the aforestated counter-affidavit averments.

In the light of the stand taken by the authorities as set out in the counter-affidavit of the Tahsildar concerned, this Court cannot decide the disputed questions of fact that would arise in this case, *viz.*, whether the petitioners were in possession at any point of time and whether they were dispossessed without following the due procedure. As on date, the stand of the authorities is that they are in possession having secured the vacant land by way of constructing a compound wall.

The Writ Petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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JUSTICE SANJAY KUMAR

Date:27.03.2019

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