

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24867 OF 2019

Date: 13.11.2019

Between:

Noor Jahan Begum w/o. Mir Ismail, Aged about 32 years,
Occu: Housewife, r/o. H.no.19-4-281/C/357, Jahanuma,
Sanjay Gandhi Nagar, Charminar, Hyderabad.

.....Petitioner

and

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

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the absolute owner of the house property bearing Municipal No.19-4-538/23/1 on plot no.23 admeasuring 114 square yards situated at Hashamabad, Bandlaguda, Charminar, Hyderabad, having acquired the same by virtue of a registered gift settlement deed, dated 17.08.2015. Petitioner alleges that unofficial respondents 3 and 4 with an intention to grab the property of the petitioner fabricated the documents and claiming to be the owners of house No.19-4-8/538, plot no.27/4 in Sy.No.251 and trespassed into the property of the petitioner and making unauthorized illegal construction. According to the petitioner, the land claimed by the unofficial respondents is in the limits of Fatimanagar, whereas the property of the petitioner is in Hashamabad limits. Therefore, the action of the unofficial respondents is illegal. In view of the said illegal encroachment and construction undertaken by the unofficial respondents, petitioner filed representation before the Mandal Revenue Officer/Tahsildar, Falaknuma, informing that illegally unofficial respondents are grabbing the property of the petitioner and undertaking construction and he should stop the construction work. Alleging in action on the said representation stated to have been filed on 26.10.2019, this Writ Petition is filed.

2. Learned counsel for petitioner seeks that since illegal construction activity is going on in the property belonging to the petitioner by the unofficial respondents, Tahsildar ought to have

taken immediate steps and not acting upon the representation is illegal.

3. Briefly noted above, according to the learned counsel for petitioner, request made in the representation is to direct the unofficial respondents not to undertake construction in the house plot claimed to be belonging to the petitioner. Thus, there is a dispute between the petitioner and the unofficial respondents and the property in issue is a private property. Therefore, the question of Tahsildar involving in a private property and directing the party not to undertake construction is not permissible. Therefore, direction sought in the Writ Petition cannot be granted. At this stage, learned counsel for petitioner also informs the Court that the petitioner earlier filed suit and the said suit was dismissed. Thereon, petitioner filed A.S.No.263 of 2018, which is pending in the Court of XXV Additional Chief Judge, Hyderabad, and therefore, at this stage, merely because appellate suit is pending is not a ground for the Tahsildar to restrain undertaking construction by the private persons on a private land. More so, as informed by the learned counsel for petitioner, petitioner was unsuccessful before the trial Court. Therefore, I see no merit in the Writ Petition and is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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