

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.39432 of 2013

ORDER:

There is no representation on behalf of the petitioners.

2. The prayer sought in the writ petition is as under:-

“...to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents more particularly the respondent No.6 in trying to dispossess the petitioners from their own land admeasuring Ac.2.00 comprised in Revenue Sub Division No.92/2 being part of survey No.92 of Gachibowli Village, Sherlingampally Mandal, Ranga Reddy District without adopting the due process of law and without conducting any survey in terms of the order passed in writ appeal No.740/2004 dated 16.11.2009 as illegal, arbitrary and opposed to principles of natural justice being violative of the order of this Hon’ble Court, besides being infringement of fundamental rights as guaranteed under constitution of India and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. The 6th respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that the petitioners earlier filed W.P.No.8262 of 2003 seeking a writ of mandamus declaring the action of the respondents therein in demolishing the compound walls, sheds and gates in the land admeasuring Ac.2.00 gunats in Revenue Sub Division No.92/2, being part of bigger Sy.No.92, of Gachi Bowli Village, Serilingampally Mandal, Ranga Reddy District, with specific boundaries. This Court disposed of the above said writ petition on 26.06.2004 directing the respondents to restrain from interfering with the possession and enjoyment of the petitioners in any manner. However, it is made clear that in case, the respondents intend to

demarcate the land, it shall open to them to proceed only after following the procedure prescribed by law, and in particular, after issuing notice to the petitioners. Aggrieved by the said orders, the Government as well as the respondent police preferred W.A.No.740 of 2014 before this Court. A Division Bench of this Court, vide orders, dated 16.11.2009, disposed of the said writ appeal directing the appellants/government as well as the respondents/writ petitioners herein to approach the Assistant Director of Survey and Land Records for demarcation and fixation of the boundaries in respect of the land in question within a period of six weeks from the date of the order and thereafter the Assistant Director of Survey and Land Records shall cause survey of the land in question after issuing notice to the adjacent owners and till such time, the *status quo* order granted on 13.04.2011, shall continue. As per the request made by the 6th respondent on 09.01.2014, the Assistant Director, Survey and Land Records, Ranga Reddy District, sent his demarcation report along with sketch in respect of Survey Nos.91 and 92/2 of Gachi Bowli Village, Serlingampally Mandal, Ranga Reddy District, vide Lr.Rc.No.A4/3652/2013, dated 18.01.2014. It was stated in the report of the Inspector of Survey, dated 18.10.2013, addressed to the Assistant Director, Survey and Land Records, Ranga Reddy District, that he had issued notices to the concerned and proceeded to the spot on 30.09.2013 as per the schedule date and in the presence of the applicant and others, he had fixed up the boundaries with the help of

village tippon in Survey No.92 obtained from File No.G8/1045/1988. After completion of demarcation, it was noticed that a piece of land in Survey No.91 (government land) between Survey No.92 and IDBI compound wall is found vacant. The said vacant land in Survey No.91 was allotted to the Police Department by the orders of the District Collector, Ranga Reddy District, on 15.04.2003. The copy of the order of the Collector, Ranga Reddy District and the letter of the Assistant Director, Survey and Land Records, are filed along with the counter-affidavit. It is also specifically mentioned that the 6th respondent never violated the *status quo* order passed by this Court.

4. Though the counter-affidavit has been filed with specific averments, the petitioners have not filed any reply affidavit to rebut the averments made in the counter-affidavit. Therefore, they are deemed to be admitted and binding on the petitioners.

5. When the respondents have categorically stated that they are not interfering in the possession of the petitioners' land, no further cause would survive in the writ petition, particularly when the said averment is not rebutted.

6. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand dismissed.

20th December 2019
mar

P. KESHAVA RAO, J

