

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45199 OF 2018

ORDER:

This writ petition is filed with the following prayer:

“.....to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents in disturbing or interfere in the Eastern side of the road for Plot Nos 44, 45, 49, 50, 53 & 54 without considering the representation of the petitioner and layout for the land in Sy.No.72/1, of Thattiannaram Village consequently direct the 1st Respondent to develop the road for welfare of the colony and orders may be passed accordingly in the interest of justice.”

Learned Government Pleader for Revenue appearing on behalf of respondent No.3 filed counter affidavit, wherein in para Nos 2 and 3 it is stated as under:

In reply to Paras 2 to 4 of the affidavit, it is respectfully submitted that the petitioner Association stated to have obtained lay out approved from Nagara Panchayathi and also H.M.D.A. in respect of Sy.No.72/1 situated at Tattiannaram Village, Abdullapurmet Mandal, Ranga Reddy District. It is further submitted that there is a Government land in Sy.No.73 of Tattiannaram Village, classified as “Kancha Janglath Sarkari” adjacent to the land in Sy.No.72 of Tattiannaram Village. The field staff of this office after inspecting the land having found encroachment of constructions in Government land, and same was removed before the survey conducted by the Inspector of Survey office of the Assistant Director, Survey & Land Records, Rangareddy District, prior to the status quo orders passed by this Hon'ble Court in WP.No.45199/2018, dated 01-12-2018. Thereafter the

patta land bearing Sy.No.72 was surveyed by the Inspector of Survey on the application filed by the petitioner Association and fixed the boundaries and conducted panchanama on 30-10-2018. As per the report of the Mandal Surveyor of this office dated 21-01-2019, there is no encroachment over the Government land by the petitioner association at present. The allegations made by the petitioner Association that this respondent is interfering in the possession of the plots of the members of the Association, are false and baseless, as these respondents have not interfered in the land as alleged and said allegation is made to maintain the writ petition before this Hon'ble Court.

In reply to Paras 5 to 7 of the affidavit, it is respectfully submitted that the allegations made by the petitioner Association is entirely false and baseless as the constructions carried out earlier was partly removed long back and there after these respondents are not interfering with the lay out of the petitioner Association, and not disturbing the existing road as alleged. The petitioner Association filed this writ petition without any cause of action as such the petitioner is not entitled to invoke the extraordinary jurisdiction under Article 226 of Constitution of India, and not entitled for any relief as sought in this writ petition. The Government land bearing Sy.No.73 is existing by the side of lay out Sy.No.72 and the petitioner association, under the guise of the interim orders of this Hon'ble Court, is trying to encroach the part of Government land illegally. The writ petition filed by the petitioner association is not maintainable under law and liable for dismissal. It is submitted that this respondent also reserving the right to file a detailed affidavit as and when necessary after obtaining permission from this Hon'ble Court."

Learned counsel for the petitioner says that the writ petition can be disposed of by recording the statements made by respondent No.3 in para Nos 2 and 3 of counter affidavit.

Heard learned Assistant Government Pleader for Revenue.

In view of submission made by learned counsel for the petitioner, this writ petition is disposed of recording the statements made by respondent No.3 as stated supra. Pending miscellaneous applications if any shall stand closed.

A.RAJASHEKER REDDY,J

24-10-2019

Note:
Issue CC in one week.
B/o.
Nvl



