

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 13570 OF 2020

Between:

Sriramula Uma Rani, W/o Late Sriramula Srikanth, Rep by its Legal Heir of Sriramula Srikanth S/o Ramakrishna, Age 59 years, Occ Principal Of Warangal Public School, R/o H.No. 1-9-1099, Postal Colony, Hunter Road, Hanmakonda, District. Warangal Urban.

...PETITIONER

AND

1. State of Telangana, Rep by its Municipal Urban Development Department, B.R.K Bhavan, Basheerbagh, Hyderabad
2. Kakatiya Urban Development Authority (KUDA), Rep by its , Managing Director, beside Of JNS, Hanmakonda, District Warangal Urban

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in restraining the petitioner to construct compound wall and evicting the petitioner from his/her own land, who is absolute owner and possessor through Registered Sale Deed Document No.10007/2013, Dated 31/8/2013, Open Plot situated in survey No. 22 of Shyampet (Jagir) Village Hanmkonda Mandal, Warangal Urban District and within the limits of extended Warangal Municipal Corporation to an extent of 174.22 Sq.yards or 145.65 Sq Mtrs as illegal, arbitrary, unreasonable, Discriminatory, unjust, unfair, irrational, unlawful, unconstitutional, perverse, mockery, Whimsical and against an Article 14,19,21 and 300-A of Constitution of India And against to the Principles of Natural Justice and also against to the catena of Judgments of this Honble Court and an Apex Court

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent not to interfere or Evict the petitioner land from his/her own land, who is absolute owner and possessor through Registered Sale Deed

Document No.10007/2013, Dated 31/8/2013, i.e.,Open Plot situated in survey No. 22 of Shyampet (Jagir)Village ,Hanmkonda Mandal, Warangal Urban District and within the limits of extended Warangal Municipal Corporation to an extent of 174.22 Sq.yards or 145.65 Sq Mtrs, pending disposal of the above Writ Petition

Counsel for the Petitioner: SRI PRABHAKAR CHIKKUDU

**Counsel for Respondent No. 1: GP FOR MUNICIPAL ADMINISTRATION &
URBAN DEVELOPMENT**

Counsel for Respondent No. 2: SRI M. AJAY KUMAR, SC FOR KUDA

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13570 of 2020

ORDER:

This Writ Petition is filed seeking a *mandamus* to declare the action of the 2nd respondent in restraining the petitioner from constructing the compound wall and evicting her from her own land ie. open plot situated in Survey No.22 of Shyampet (Jagir) Village, Hanmkonda Mandal, Warangal District within the limits of extended Warangal Municipal Corporation to an extent of 174.22 square yards, as illegal.

Heard learned counsel for the petitioner and Sri M. Ajay Kumar, learned Standing Counsel for KUDA.

It is the case of the petitioner that her husband purchased the property *vide* sale deed dated 30.09.2013, the link document of which is dated 31.03.2005. She alleges that when she is proposing to construct fencing around her property, the 2nd respondent is interfering with the same.

The learned Standing Counsel, drawing attention to the variation in the suit schedule property sketch between the sale deeds of 2005 and 2013, points out that what the petitioner trying to do is to ensure that to the adjacent towards Eastern and Northern side as per the sale deed and the link document is admittedly a government land. While it is the assertion of the petitioner that she is only raising fencing around the land purchased by her, the respondent KUDA is vehemently disputing the same. A perusal of the sketch map discloses that while in 2005 sketch map, there is no area demarcated as included, in the 2013

sketch map, the property of the petitioner was shown as grown up property in a rectangular box.

In the light of the specific contention of the respondents that the petitioner had even failed to obtain LRS, there being a dispute with respect to identification of the property, this Court is not inclined to entertain the Writ Petition. In the event the petitioner has any apprehension that the respondents are likely to interfere with her possession, she is entitled to seek appropriate injunctive relief from the civil Court.

The Writ Petition is accordingly, closed. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri Prabhakar Chikkudu Advocate [OPUC]
2. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana (OUT)
3. One CC to Sri M. Ajay Kumar, Standing Counsel for KUDA (OPUC)
4. Two CD Copies

MBC



HIGH COURT
DATED: 24/08/2020



ORDER
WP.No.13570 of 2020

CLOSING THE WRIT PETITION
WITHOUT COSTS

ssv
6 copies
Dt- 3/9/2020