HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY ,THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 16594 OF 2020

Between:

Gangadolla Laxmi, S/o. Gangadolla Gangaram @ Gangadolla Pedda Gangaram, aged about 46 years, occ. Agriculture, r/o. H.No.2-53/7, Ghanpur Village, Chandur Mandal, Nizamabad District.

...PETITIONER

AND

1. The State of Telangana, rep.by its Principal Secretary, Revenue Department, Secretariat, flyderabad, Telangana.
2. The District Collector, Nizamabad District, Telangana State.
3. Assistant Director, Survey and Land Records, Nizamabad.
4. Deputy Inspector, Survey and Land Records, Nizamabad.
5. Deputy Surveyor, Chandur Mandal, Nizamabad District.
6. Mandal Revenue Officer, Chandur Mandal, Nizamabad
7. The Panchayat Secretary, Ghanpur Gram Panchayat, Chandur Mandal,Nizamabad D istrict.
8. Dasari Gangaram., S/o. Rajaiah, Occ Sarpanch, Ghanpur Village, ChandurMandal, Nizarnabad District - 503206.
9. Gangadolla Chinna Gangaram, s/o. Sailu, Aged about 52 years, occ. Farmer, r/o.H.No.2-98, Ghanpur Village, Chandur Mandal, Nizamabad District-503206
10. Gangadolla Gangaram, S/o Cheviti Gangaram Aged about 37 years, occ.Farmer, r/o H.No.2-98/1, Ghanpur Village, Chandur Mandal, Nizamabad District-503206.

...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 an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent Nos. 5 to 7, in interfering with the petitioners lawful possession and enjoyment of land measuring Acres 2.06 guntas in Sy.No. 124/3, situated at Ghanpur Village sivar, Chandur Mandal, Nizamabad District, as being illegal, arbitrary, without jurisdiction and unconstitutional and consequently direct the respondent Nos.5 to 7 herein not to dispossess or in any manner interfere with the possession and enjoyment of the petitioner in respect of the above said land.

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 respondent Nos.5 to 7 not to interfere with the possession and enjoyment of the petitioner in respect of land measuring Acres 2.06 guntas in Sy.No. 124/3, situated at Ghanpur village sivar, Chandur Mandal, Nizamabad District, pending disposal of the main Writ Petition, in the interest of justice.

Counsel for the Petitioner : SRI SRINIVASA RAO BODDULURI
Counsel for the Respondent Nos.1 to 6: AGP FOR REVENUE
Counsel for the Respondent No.7: SRI G. NARENDER REDDY,
SC FOR GRAMPANCHAYAT
Counsel for the Respondent Nos.8 to 10: SRI G. DINESH PATIL

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.16594 OF 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

> "... to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent Nos.5 to 7, in interfering with the petitioners' lawful possession and enjoyment of land measuring Acres 2.06 guntas in Sy.No. 124/3, situated at Ghanpur Village sivar, Chandur Mandal, Nizamabad District, as being illegal, arbitrary, without jurisdiction and unconstitutional and consequently direct the respondent Nos.5 to 7 herein not to dispossess or in any manner interfere with the possession and enjoyment of the petitioner in respect of the above said land and to grant such other relief or reliefs ..."

2. Heard the learned counsel for petitioner, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 6, learned counsel for respondent Nos.8 to 10 and perused the record.

3. Learned counsel for the petitioner would submit that respondent Nos.5 to 7, having no manner of right, are interfering with the peaceful possession and enjoyment of the petitioner over the land admeasuring Ac.2-06 guntas in Survey No.124/3 situated at Ghanpur Village Sivar, Chandur Mandal, Nizamabad District, and making attempts to dispossess the petitioner therefrom. The petitioner has filed an application,

dated 04.09.2020, seeking to conduct survey of the subject land and ultimately, prayed to grant the relief sought for in this Writ Petition, as indicated above.

4. Learned Assistant Government Pleader for Revenue would submit that there is no illegal interference by official respondent Nos.5 and 6, as alleged by the petitioner. There is no cause of action against the revenue authorities to grant any relief in favour of the petitioner.

5. Learned counsel for unofficial respondent Nos.8 to 10 would submit that there is a Suit pending in O.S.No.110 of 2019 on the file of Principal Junior Civil Judge, Bodhan, filed by the petitioner against respondent Nos.9 and 10 and another, seeking perpetual injunction in respect of the subject land and an application seeking to conduct survey of the subject land is required to be filed by the petitioner in the said Suit.

6. A perusal of the material placed on record reveals that on a report given by the petitioner, F.I.R.No.118 of 2020 of Varni Police Station is registered against respondent Nos.8 to 10 and others for the offences punishable under Sections 147, 324, 290 and 506 read with 149 I.P.C. There is also admission about pendency of O.S.No.110 of 2019 on the file of Principal Junior Civil Judge, Bodhan, to restrain unofficial respondent Nos.9 and 10 and one G. Cheviti Gangaram from causing any interference with the peaceful possession and enjoyment of the petitioner over the subject land. There is no allegation of illegal

interference by unofficial respondent Nos.8 to 10 in the present Writ Petition. There is no reason for official respondent Nos.5 to 7 to cause any illegal interference with the peaceful possession and enjoyment of the petitioner over the subject land. The allegations made against respondent Nos.5 to 7 are unsustainable. Even if there are allegations of interference or attempts of dispossession on the part of the official respondent Nos.5 to 7, when there is specific denial by them in the Writ Petition, it constitutes factual aspects that are required to be determined in a civil Suit and not in this Writ Petition filed under Article 226 of the Constitution of India. In the given circumstances, the prayer sought for by the petitioner in this Writ Petition, as indicated above, cannot be granted. The Writ Petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Srinivasa Rao Bodduluri, Advocate [OPUC]
2. One CC to Sri G. Narender Reddy, SC for Grampanchayat, Advocate [OPUC]
3. One CC to Sri G.Dinesh Patil, Advocate [OPUC]
4. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

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HIGH COURT

DATED:14/12/2020



ORDER

WP.No.16594 of 2020

DISMISSING THE WP

WITHOUT COSTS

SSV
7 copies
Dt 5/1/2021