

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

THURSDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 19642 OF 2020

Between:

1. Munnangi Sheshagiri, S/o. Radha Krishna Murthy, Aged about 58 Years, Occ: Agriculture, R/o. Gangaram Village, Matnoor Mandal, Nizamabad District.
2. Munnangi Srikanth, S/o. Radha Krishna Murthy, Aged about 52 Years, Occ: Agriculture R/o. Gangaram Village, Matnoor Mandal, Nizamabad District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, BRKR Bhavan, Secretariat Buildings, Hyderabad.
2. The District Collector, Nizamabad, Nizamabad District.
3. The Revenue Divisional Officer, Nizamabad, Nizamabad District
4. The Mandal Development Officer, Makloor Mandal, Makloor, Nizamabad District
5. The Tahsildar, Makloor Mandal, Makloor, Nizamabad District.
6. The Gram Panchayat, Gangaramanda, Rep. by its Panchayat Secretary, Gangaramanda Village, Makloor Mandal, Nizamabad District.

...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 respondents in interfering / dispossessing the 1st petitioner lands in Sy No. 55/a/1, 55/A an extent of Ac. 0.15 gts an Ac. 1-01 guntas in total Ac. 1-16 gts, 2nd petitioner land in Sy No. 55/E/1, an extent of Ac. 1-16 gts in total Ac. 2-32 gts situated at Gangaramanda Village, Makloor Mandal, Nizamabad District, is illegal, arbitrary, contrary to the provisions of the Rights to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, violation of the principles of natural justice, and as well as the fundamental rights guaranteed under the constitution of India consequently direct the respondents not to interfere / dispossess the petitioner from 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 respondents not to dispossesses/construct park in the 1st petitioner lands in Sy No. 55/a/1, 55/A an extent of Ac. 0.15 gts and Ac.1-01 guntas in total Ac. 1-16 gts, 2nd petitioner land in Sy No. 55/E/1, an extent of Ac. 1-16 gts in total Ac. 2-32 gts situated at Gangaramanda Village, Makloor Mandal, Nizamabad District, forthwith pending disposal of the above writ petition.

Counsel for the Petitioner: SRI BALLA RAVINDRANATH

Counsel for the Respondent Nos. 1 to 3 & 5: GP FOR REVENUE

**Counsel for the Respondent No.4 & 6: SRI G. NARENDER REDDY,
S.C. FOR GPP/MPP/ZPP**

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.19642 OF 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners, 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 respondents in interfering / dispossessing the 1st petitioner lands in Sy.No.55/a /1, 55/A an extent of Ac.0.15 gts an Ac.1-01 guntas in total Ac.1.16 gts, 2nd petitioner land in Sy.No. 55/E/1 an extent of Ac.1-16 gts in total Ac.2-32 gts situated at Gangaramanda Village, Makloor Mandal, Nizamabad District, is illegal, arbitrary, contrary to the provisions of the Rights to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, violation of the principles of natural justice, and as well as the fundamental rights guaranteed under the constitution of India consequently direct the respondents not to interfere / dispossess the petitioner from the above said land and to pass such other order or orders ..."

2. Heard the learned counsel for both sides and perused the record.

3. The material placed on record and the submissions made on behalf of the petitioners reveal that the petitioners are the owners and possessors of land admeasuring Ac.2-32 guntas in Survey Nos.55/A, 55/A/1 and 55/E/1 situated at Gangaramanda Village, Makloor Mandal, Nizamabad District. Petitioners succeeded the subject property by way of inheritance. There are documents to substantiate the ownership of the petitioners over

the subject property. The respondents without any right, title or interest started illegally interfering with the possession and enjoyment of the petitioners over the subject property and also trying to dispossess them therefrom and ultimately, prayed to grant the relief as claimed above.

4. On the other hand, learned Assistant Government Pleader for Revenue and the learned Standing Counsel for Gram Panchayat, on written instructions, would submit that there is no interference by the respondents in respect of Ac.2-32 guntas of land belonging to the petitioners. The land adjoining to the subject property is a Government land. A part of the said Government land is allocated for 'Palle Prakruthi Vanam'. Further, according to the learned Standing Counsel for Gram Panchayat, plantation is already carried out over the allocated land and the petitioners are trying to encroach Ac.1-12 guntas of Government land, which is illegal and arbitrary and ultimately, prayed to dismiss the Writ Petition.

5. As seen from the material placed on record and the submissions made, there are serious allegations against the petitioners with regard to making attempts to illegally encroach Ac.1-12 guntas of Government land under the guise of they having lands in Survey Nos.55/A, 55/A/1 and 55/E/1. Moreover, the land adjoining to the subject property is allocated for 'Palle Prakruthi Vanam' and plantation has also been taken place. The factual aspects, whether there is any interference or

dispossession attempts by the respondents in respect of the subject property belonging to the petitioners cannot be gone into and determined under Article 226 of the Constitution of India. Furthermore, it cannot be held that the petitioners are making attempts to encroach Government land to an extent of Ac.1-12 guntas, making their total extent as Ac.4-04 guntas.

6. It is settled law that if, in a petition filed under Article 226 of the Constitution of India, complicated questions of fact which require a regular and full-fledged trial are involved, it is but prudent that the Court should refrain itself from entertaining such petition and relegate the party to the normal remedy to obtain redress in a Suit. Since, there are allegations against the petitioners with regard to making attempts to encroach the Government land and further, in view of the submission made on behalf of the respondents that there is no interference by the respondents in respect of the subject property belonging to the petitioners, the petitioners are not entitled to any relief as sought in this Writ Petition. However, if the petitioners are aggrieved with regard to the alleged interference or dispossession, as the case may be, it is open to the petitioners to workout the remedies available to them before the competent civil Court and seek appropriate relief.

7. With the above observations, 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.

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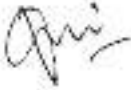
SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri Balla Ravindranath, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana [OUT]
3. One CC to Sri G. Narender Reddy, S.C. For GPP/MPP/ZPP (OPUC)
4. Two CD Copies.

MP



HIGH COURT

DATED:12/11/2020

ORDER

WP.No.19642 of 2020



DISMISSING THE WRIT PETITION
WITHOUT COSTS

SV
6 copies
Dt 28/11/2020