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

TUESDAY ,THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 21427 OF 2020

Between:

Smt Lakavath Manjula, W/o. Lakavath Mohan Aged 37 Years, Occ Labour, R/o. # 2-58/B/H, Kamanpur Village, Kothapally Mandal, Karimnagar District

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad
2. The District Collector, Karimnagar District
3. The Revenue Divisional Officer, Karimnagar, Karimnagar District
4. The Tahsildar, Kothapally Mandal, Karimnagar 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 a Writ, Order or Direction, more particularly a Writ in the nature of Mandamus, declaring the action of the Respondents No. 3 and 4 in interfering with peaceful possession and enjoyment of the Petitioner in respect of the House bearing No. 2-58/B/H, Kamanpur Village, Kothapally Mandal, Karimnagar District, as illegal, arbitrary, high handed, discriminatory, without authority of law and void, being in derogation of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents No. 3 and 4, not to interfere with peaceful possession and enjoyment of the Petitioner or dispossess the Petitioner from House bearing No. 2-58/B/H, Kamanpur Village, Kothapally Mandal, Karimnagar District, except in accordance with law.

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 No. 3 and 4, not to interfere with peaceful possession and enjoyment of the Petitioner in respect of the House bearing No. 2- 58/B/H, Kamanpur Village, Kothapally Mandal, Karimnagar District.

Counsel for the Petitioner:SRI. M SATISH KUMAR

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following:

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.21427 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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.3 and 4 in interfering with peaceful possession and enjoyment of the petitioner in respect of the House bearing No.2-58/B/H, Kamanpur Village, Kothapally Mandal, Karimnagar District, as illegal, arbitrary, high handed, discriminatory, without authority of law and void, being in derogation of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondent Nos.3 and 4, not to interfere with peaceful possession and enjoyment of the petitioner or dispossess the petitioner from House bearing No.2-58/B/H, Kamanpur Village, Kothapally Mandal, Karimnagar District, except in accordance with law and pass orders...."**

2. Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing for the respondents and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner has purchased the land admeasuring Ac.0.02 guntas in Sy.No.120/1 at Kamanpur Village, Kothapally Mandal, Karimnagar District, under a simple sale deed dated 14.09.2012 from Kunta Pochamallu. After obtaining permission from the Gram Panchayat concerned, the petitioner constructed a house bearing No.2-58/B/H. The petitioner is also paying house tax and electricity bills to the authorities concerned. It is contended that the respondents, without having any manner of right, title or interest, whatsoever are interfering with the possession and enjoyment of the petitioner over the subject property without

following due process of law and ultimately prayed to grant the relief as indicated above.

4. A perusal of the photocopy of simple sale deed dated 14.09.2012 would show that the petitioner has purchased the land admeasuring Ac.0.02gts in Sy.No.120/1 situated at Kamanpur Village, Kothapally Mandal, Karimangar District, from Kunta Pochamallu. Furthermore, the photocopies of property tax receipt dated 30.07.2018 and electricity bill dated 16.06.2020, would reveal that the petitioner has constructed a house bearing No.2-58/B/H and he is in possession of the same. It is pertinent to state that since the petitioner is in possession of the subject house, there cannot be any illegal interference or dispossession by the respondents without following due process of law. The respondents are entitled to resume the land, where the subject house was constructed, in accordance with law. The petitioner shall not be dispossessed from the subject house until lawful resumption of the same.

5. With the above observation, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad
2. The District Collector, Karimnagar District
3. The Revenue Divisional Officer, Karimnagar, Karimnagar District
4. The Tahsildar, Kothapally Mandal, Karimnagar District
5. One CC to Sri. M. Satish Kumar Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies.

PM

HIGH COURT

DATED:15/12/2020



ORDER

WP.No.21427 of 2020

Disposing of the WP
Without costs.

9 SSV Copies
D/- 30/12/2020