

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

TUESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 21523 OF 2020

Between:

Theegala Ramulu, S/o T.Narsimha Goud, aged about 37 years, Occ. Agriculture,
R/o H.No.30-264/A/20, Brundhavan Colony, Near Petrol Bunk, Old Safilguda,
Malkajgiri, Thirumalagiri Rama Krishnapuram, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department,
Secretariat Building, Secretariat, Hyderabad.
2. The District Collector, Yadadri-Bhongiri District.
3. The Revenue Divisional Officer, Bhongiri, Yadadri-Bhongiri District.
4. The Tahsildar, Bodhan Pochampalli Mandal, Yadadri-Bhongiri District.
5. Chukkala Satyama, S/o Yadagir, aged about 55 years, Occ. Real-Estate,
R/o Prashant Nagar, Yadagirigutta Mandal, Yadadri-Bhongiri 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 one in the nature of Writ of Mandamus, declaring the highhanded action of the respondent Nos.3 to 5 in trying dispossessing the petitioner from his land in Sy.No.237/B/2 to an extent of Ac.0.03 gts, Sy.No.238/B/2 to an extent of Ac.0.19 gts, Sy.No.237/B/2 to an extent of Ac.0.03 and Sy.No.238/B/2 to an extent of Ac.0.18 gts total admeasuring the land to an extent of Ac.1.03 gts situated at Datharpally Village, Yadagirigutta Mandal, Yadadri-Bhongiri District (Erstwhile Nalgonda District) without issuing any notice, without following due process of law is highly illegal, arbitrary, unconstitutional and in violation of Principles of Natural Justice and also in violation of Articles 14 and 300-A of the Constitution of India.

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.3 to 5 not to dispossess the petitioner from his land in Sy.No.237/B/2 to an extent of Ac.0.03 gts, Sy.No.238/B/2 to an extent of Ac.0.19 gts, Sy.No.237/B/2 to an extent of Ac.0.03 and Sy.No.238/B/2 to an extent of Ac.0.18 gts total admeasuring the land to an extent of Ac.1.03 gts situated at Datharpally Village, Yadagirigutta Mandal, Yadadri-Bhongiri District (Erstwhile Nalgonda District) pending disposal of the writ petition.

Counsel for the Petitioner: SRI. KATRAVATH SHANKAR

Counsel for the Respondents: AGP FOR REVENUE

Counsel for the Respondent No. 5:

The Court made the following:

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.21523 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 highhanded action of the respondent Nos.3 to 5 in trying dispossessing the petitioner from his land in Sy.No.237/B/2 to an extent of Ac.0.03 gts. Sy.No.238/B/2 to an extent of Ac.0.19 gts, Sy.No.237/B/2 to an extent of Ac.0.03 and Sy.No.238/B/2 to an extent of Ac.0.18 gts, total admeasuring the land to an extent of Ac.1.03 gts, situated at Datharpally Village, Yadagirigutta Mandal, Yadadri-Bhongiri District (Erstwhile Nalgonda District) without issuing any notice, without following due process of law is highly illegal, arbitrary, unconstitutional and in violation of Principles of Natural Justice and also in violation of Articles 14 and 300-A of the Constitution of India and pass such other order or orders..."

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for respondent nos.1 to 4 and perused the record.

3. The learned counsel for the petitioner would submit that the respondent Nos.3 to 5, having no manner of right, title or interest, are interfering with the possession of the patta land belonging to the petitioner admeasuring Ac.0.03 guntas in Sy.No.237/B/2, Ac.0.19 guntas in Sy.No.238/B/2, Ac.0.03 guntas in Sy.No.237/B/2 and Ac.0.18 guntas in Sy.No.238/B/2, total admeasuring Ac.1.03 guntas of land, situated at Datharpally Village, Yadagirigutta Mandal, Yadadri-Bhongiri District and also making attempts to dispossess the petitioner from the subject lands, which is illegal, arbitrary and violative of fundamental rights and ultimately prayed to grant the relief as

indicated above.

4. On the other hand, the learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 brought to the notice of this Court the pleadings of the petitioner in paragraph No.5 of this writ petition, wherein, specific mention has been made against the unofficial respondent No.5, who is said to be a local leader, by using political influence, is demanding to sell the subject lands on cheaper rates and also using abusive language and giving threats etc. The learned Assistant Government Pleader also contended that there is no interference from the side of the official respondents into the subject land.

5. It is culled out from the record that there is alleged illegal interference by unofficial respondent No.5 into the subject land which is said to be in the ownership and possession of the petitioner herein. Factual aspects of alleged interference and attempts of dispossession are involved in this matter, which are required to be adjudicated by the competent civil Court, after due trial. It is apt to state 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. In the given circumstances, the competent civil Court has the authority to determine the contentious issues in between the petitioner and the

6. With the above observation, this writ petition is disposed of. No costs.

SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Building, Secretariat, Hyderabad.
2. The District Collector, Yadadri-Bhongiri District.
3. The Revenue Divisional Officer, Bhongiri, Yadadri-Bhongiri District.
4. The Tahsildar, Bodhan Pochampalli Mandal, Yadadri-Bhongiri District.
5. One CC to Sri. Katravath Shankar, 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:08/12/2020



ORDER

WP.No.21523 of 2020

Disposing of the WP
Without costs.

⑨ VLV
15/12/20