

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 22325 OF 2020

Between:

Lingam Rama Rao, S/o Jagannadham, Aged 55 years, Occ. Agriculture,
R/o Nakkalagudem Village, Sujathanagar Mandal, Bhadradi Kothagudem District.

...PETITIONER

AND

1. The State of Telangana, Rep by Principal Secretary (Revenue) Secretariat,
Hyderabad
2. The District Collector, Bhadradi Kothagudem District At kothagudem.
3. The Tahasildar, Sujathnagar Mancini, Bhadradi Kothagudem District
4. Superintendent of Police, Bhadradi Kothagudem District Kothagudem.
5. The Sub Inspector of Police, Sujathanagar PS, Bhadradi Kothagudem 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 pass an order or direction or writ, in the nature of Mandamus duly declaring the action of the respondents 3 and 5 in interfering with the petitioners peaceful possession in respect of agriculture land an extent of Ac. 0.21 guntas in survey number 1532/1 at Sujathnagar village and Mandal, of Bhadradi Kothagudem District bounded by East. Land of Pallapu Bhanu Prakash; West: Land of Lingam Chukkamma; North: Land of Bathula Babu and South: Land of Pallapu Bhanu Prakash, without any notice or proceedings as illegal, arbitrary and against the principles of natural justice as well as against the provisions of Article 300 (A) of the Constitution of India, and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the same by the petitioner, in the interest of justice.

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 interfere with the peaceful possession and enjoyment of the petitioners land in an extent of Ac. 0.21 guntas in survey number 1532/1 at Sujathnagar village and Mandal, of Bhadradi Kothagudem District bounded by East. Land of Pallapu Bhanu Prakash. West. Land of Lingam Chukkamma. North. Land of Bathula Babu and South. Land of Pallapu Bhanu Prakash, in the interest of justice.

Counsel for the Petitioner : SRI P. RAMA SHARANA SHARMA

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

Counsel for the Respondent Nos.4 & 5: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.22325 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 pass an order or direction or writ, in the nature of Mandamus duly declaring the action of the respondents 3 & 5 in interfering with the petitioners peaceful possession in respect of agriculture land an extent of Ac. 0.21 guntas in survey number 1532/1 at Sujathnagar village & Mandal, of Bhadradi Kothagudem District bounded by East: Land of Pallapu Bhanu Prakash; West: Land of Lingam Chukkamma; North: Land of Bathula Babu and South: Land of Pallapu Bhanu Prakash, without any notice or proceedings as illegal, arbitrary and against the principles of natural justice as well as against the provisions of Article 300 (A) of the Constitution of India, and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the same by the petitioner, in the interest of justice and to pass such other and further orders ..."

2. Heard the learned counsel for petitioner and the learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 3 and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner purchased land admeasuring Ac.0-21 guntas in Survey No.1532/1 situated at Sujathanagar Village, Kothagudem (now Sujathanagar Mandal, Bhadradi-Kothagudem District) way-back in the year 1985 and since then, he is cultivating the said land. The respondents, having no manner of right whatsoever over the

subject land, are trying to interfere with the peaceful possession and enjoyment of the petitioner over 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, on written instructions, would submit that the total extent of land in Survey No.1532 is Ac.1-19 guntas. Out of the said land, the petitioner is in possession of Ac.0-21 guntas in Survey No.1532/1 and an extent of Ac.0-17 guntas of land in Survey No.1532/3 is recorded as 'poramboku' in all revenue records and this land is allocated for the purpose of construction of Police Station vide proceedings Rc.No.G/561/2020, dated 07.12.2020, issued by the District Collector. The possession of the said land was also given to the police department under a cover of panchanama, dated 08.12.2020. The police authorities are in possession of the said land. The petitioner having purchased the land admeasuring Ac.0-21 guntas in Survey No.1532/1 is trying to encroach into the Government land, adjoining to the main road and is allocated for construction of a Police Station, and is claiming ownership over the same, without there being any assignment, which is illegal and arbitrary and therefore, no relief can be granted in this Writ Petition, as prayed for.

5. As seen from the material placed on record and the submissions made, there is serious dispute with regard to the possession of the petitioner over the land in given boundaries in the Writ Petition i.e., East: Land of Pallapu Bhanu Prakash;

West: Land of Lingam Chukkamma; North: Land of Bathula Babu and South: Land of Pallapu Bhanu Prakash. It is also the case of the respondent authorities that the Government land adjoining road side, admeasuring Ac.0-17 guntas, was already allotted to the police department for construction of a Police Station vide order, dated 07.12.2020, of the District Collector and possession of the same was also delivered to the police department physically vide panchanama, dated 08.12.2020. When there are serious disputes with regard to the title and possession of the petitioner over the land which he is claiming, and allotment of the Government land for construction of police station, the lawful right and possession of the petitioner over the subject land is required to be adjudicated by a competent civil Court, after due trial and examining the documents.

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 serious allegations against the petitioner with regard to making attempts to occupy the Government land given for construction of police station, the factual aspects of petitioner owning and possessing the subject land cannot be adjudicated and determined in this writ petition. Consequently, no prohibitory order, as sought for, can be granted. The petitioner is at liberty to workout the remedies available to him before the competent civil Court.

4 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.

//TRUE COPY//

SD/-L.LAKSHMI BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri P. Rama Sharana Sharma, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad (OUT)
4. Two CD Copies

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HIGH COURT

DATED:17/12/2020

ORDER

WP.No.22325 of 2020



DISMISSING THE WP

WITHOUT COSTS

250.
7 Copies
21/5/21/2021