

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.34392 of 2014

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble court may be pleased to issue an appropriate writ or order or direction more particularly one in nature of writ of Mandamus, declaring the action of Respondents 2 to 4 in interfering with the possession of the petitioner committee over the Ashoor Khana Peerla Bavi situated in Survey Nos.325 and 327, Opposite Old Muslim Grave Yard, Ramchandrapuram Village, Snaga Reddy Taluq, Medak District, as illegal, arbitrary and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of case.'

3. Learned Government Pleader placed on record the written instructions, dated 18.11.2014, issued by the Sub-Inspector of Police, Ramchandrapuram Police Station, Medak District.

4. From the perusal of the said written instructions, it is revealed that earlier police outpost was put up in Sy.No.326 admeasuring Ac.0.27 guntas in S.N.Colony, Ramchandrapuram, for a long time. Later, the said outpost was closed due to shortage of manpower. It is also mentioned that the said land was not alienated in favour of the police department as on the date of the issuance of the written instructions. The S.H.O. Ramchandrapuram, addressed a letter to the Tahsildar, Ramchandrapuram, requesting to ascertain the ownership of the above said land. In turn, the Tahsildar, Ramchandrapuram, after verifying the revenue records, informed that the above said land is situated in Sy.No.326, S.N.Colony, Ramchandrapuram, and it is a patta land and it

was already allotted to BHEL authorities long back for establishment of a unit. The total extent of this survey number is Acs.4.38 guntas. In view of the same, a letter was addressed to the Sub-Divisional Police Officer, Ramachandrapuram Sub-Division, and to the Management of BHEL, Ramachandrapuram, on 20.12.2012, requesting them to alienate the said land in favour of the police department for construction of CI and DSP Offices, Ramachandrapuram. Thereafter, the Estate Officer of the BHEL Township, Ramachandrapuram, informed through a letter dated 29.12.2012 stating that the land in Sy.No.326 of Ramachandrapuram to an extent of Acs.5.26 guntas was acquired for BHEL during 1960s for setting up BHEL unit and subsequently, part of the land was alienated back to the Government for the purpose of rehabilitation during 1960s. A letter was also addressed by the then Sub-Divisional Police Officer, Ramachandrapuram Sub-Division, to the then Superintendent of Police, Medak, requesting him to address a letter to the District Collector, Medak District at Sanga Reddy, to alienate the said piece of land in Sy.No.326 to an extent of Ac.0.27 guntas at S.N.Colony, Ramachandrapuram, in favour of the police department, but no action was initiated by the date of issuance of the written instructions. Again, a letter was addressed by the Sub-Divisional Police Officer, Ramachandrapuram Sub-Division, to the Superintendent of Police, Medak District, on 23.08.2014 requesting him to address a letter to the District Collector, Medak, to alienate the above piece of land in favour of police department for police quarters etc.

5. It is also specifically mentioned in the written instructions that the writ petitioner under the guise of Ashoon Khana Peerla Bavi situated in Sy.Nos.325 and 327 is trying to occupy the land in Sy.No.326 to an extent of Ac.0.27 guntas as the same is evident from the pahanies. In

fact, there is a police outpost in the land in Sy.No.326 which belongs to BHEL. Therefore, the revenue authorities and BHEL are also necessary parties to the writ petition. The present writ petition is filed with an ulterior motive to grab the land in Sy.No.326 to which the writ petitioner is nothing to do with it. It is also specifically mentioned that the respondent police never interfered with the land in question. If the petitioner impleaded the revenue authorities as respondents to the writ petition, the real facts would come to light.

6. In view of the written instructions as stated *supra* and from the contents of the affidavit filed in support of the writ petition, it appears that there is a dispute with regard to the subject land as to whether it belongs to Ahoon Khana Peerla Bavi or the Government, which was allotted to BHEL authorities, whereat a police post was put up.

7. In that view of the matter, this Court is of the opinion that the writ petition, as filed, is not maintainable on the aspect of disputed questions of fact, which cannot be resolved in a writ petition filed under Article 226 of the Constitution of India and there are disputes with regard to subject land in the writ petition between the petitioner, on the one hand, and the BHEL as well as the Government, on the other. Therefore, on both counts, the writ petition is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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JUSTICE P.KESHA RAO

Date:09.01.2020

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