

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.26797 of 2016

ORDER:

This writ petition is filed seeking the following relief :-

“to issue writ or direction or order more particularly in the nature of Writ of Mandamus declaring the action of the respondents and their staff of the army trespassing into the plots bearing Nos.162 and 163 of 200 sq. yards each totalling to 400 Sq. Yards or 334.4 sq. mts. in Survey Nos.101 and 105 in Padmanagar-II, situated at Village Qutbullapur and Mandal and Municipality, Qutbullapur, Subdistrict Qutubullapur, R.R.District bounded on North : 30 ft. wide road, South : Plot Nos.172 and 173, East : Plot No.161, West : Plot No.164 and digging ditches to an extent of 2 feet depth and 400 sq. yds of length and trying to install a gate and build up fencing is illegal, arbitrary and unconstitutional and violation of fundamental rights under Articles 14, 19 and 21 of the Constitution of India and violation of principles of natural justice and violation of Right to property under Article 300A of Constitution of India and consequently direct the respondents and their staff of the army not to interfere with the peaceful possession and enjoyment of the plots of land bearing Plot Nos.162 and 163 of 200 sq yards each totalling to 400 Sq. Yards or 334.4 sq. mts., in Survey Nos.101 and 105 in Padmanagar-II situated at Village Qutbullapur and Mandal and Municipality, Qutbullapur, Subdistrict Qutubullapur, R.R.District bounded on North : 30 ft. wide road, South : Plot No.172 and 173, East : Plot No 161, West : Plot No 164 and

2. Direct the respondents to pay compensation for a sum of Rs.10,00,000/- (Rupees ten lakhs only) to the petitioner for their trespass and encroachment in the said two plots and digging ditches unauthorisedly and trying to install a gate and build up fencing illegally and highhandedly which made the petitioner suffer mental agony and

3. Direct the respondents to pay costs of the litigation for a sum of Rs.30,000/- (rupees thirty thousand only) to the petitioner”.

Heard Sri J.Ravindra, learned counsel appearing for the petitioner and the learned Assistant Solicitor General appearing for the respondents.

It has been contended by the petitioner that the respondents are trying to interfere with her peaceful possession and enjoyment of the plots bearing Nos.162 and 163 admeasuring 400 sq. yards in Sy.Nos.101 and 105 respectively situated at Padmanagar-II, Qutbullapur Village and Mandal, Ranga Reddy District, without following the due process of law.

Learned counsel appearing for the petitioner submits that this Court was pleased to pass interim order on 09.08.2016 directing the respondents not to interfere with the peaceful possession and enjoyment of the plots in question. He further submits that the petitioner has purchased the plots in question by way of a registered Sale Deed dated 15.11.2008 and, therefore, appropriate orders be passed in the writ petition directing the respondents not to interfere with the peaceful possession and enjoyment of the plots in question without following the due process of law.

Learned Assistant Solicitor General appearing for the respondents contends that the plots in question belong to the respondents and the petitioner has illegally encroached the said plots and as on date, the petitioner is not in possession of the plots in question. He further submits that the respondents will not interfere with the peaceful possession and enjoyment of the plots in question, without following the due process of law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents not to dispossess the petitioner from the plots in question without following the due process of law. If the petitioner has encroached the plots in question, the respondents are given liberty to take action against the petitioner in accordance with law.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 12-02-2020
Prv

