

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

W.A.No.617 of 2022

JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. Gopala Rao Amancharla.V, learned counsel for the appellant; Mr. Srinivasa Srikanth, learned Government Pleader for Municipal Administration representing respondent No.1, Mr. Pasham Krishna Reddy, learned Standing Counsel, Greater Hyderabad Municipal Corporation (GHMC) for respondent No.2; and Mr. N.Praveen Kumar, learned Standing Counsel for respondent No.3-Municipal Corporation.

2. This intra-court appeal has been preferred by the appellant being aggrieved by the order dated 11.08.2022 passed by the learned Single Judge dismissing W.P.No.32297 of 2022 filed by the appellant as the writ petitioner.

3. Appellant as the writ petitioner filed the related writ petition seeking the following relief:

..... to issue writ, order or direction more particularly one in the nature of a writ of mandamus declaring the

action of the respondents in interfering with the position and enjoyment of the private patta land of the petitioner admeasuring 5506.66 sq. yards equivalent to 4603.56 sq.mtrs in Survey Nos. 150-155/Part, 160-163, 164, 165/Part situated in Bachupally Village, Mallampet Gram Panchayat, Quthbullapur Revenue Mandal, Ranga Reddy District presently it is in Pragathinagar, Medchal-Malkajgiri District without any power and authority as illegal, arbitrary, unconstitutional and in clear violation of the principles of natural justice as null and void and consequently direct the respondents not to interfere with the possession and enjoyment of the private patta land 5506.66 sq. yards equivalent to 4603.56 sq.mtrs in Survey Nos. 150-155/Part, 160-163, 164, 165/Part situated in Bachupally Village, Mallampet Gram Panchayat, Quthbullapur Rev. Mandal, Ranga Reddy District presently it is in Pragathinagar, Medchal-Malkajgiri District...

4. It was contended on behalf of the appellant that his vendors are the pattadars of the subject land, which he had purchased by way of an agreement of sale dated 29.11.1993 whereafter, he is in possession and enjoyment of the said land. Respondent No.3-

Corporation is interfering with the possession of the appellant stating that the subject land belongs to it.

5. At the admission stage itself, learned Single Judge dismissed the writ petition by holding as follows:

When a person comes to the Court stating that he is the owner of the property and is in possession of the same and there is interference by the respondents, there should be a *prima facie* material placed before the Court to show that the petitioner is the owner or he is in possession of the property. In this case, except filing an agreement of sale and stating that the suit is pending, no other document is filed in support of his case. In the absence of any documents, this Court is not inclined to pass any orders. Further, learned counsel submits that there is no layout. Whatever the stand of the respondents is, when a petition is filed seeking interference of this Court under Article 226 of the Constitution of India, the person, who comes to the Court, should *prima facie* satisfy the Court and unless the Court is satisfied, the petitioner is not entitled for any relief. The writ petitioner in these facts and circumstances of the case, is not entitled for any relief.

The Writ Petition is accordingly, dismissed. There shall be no order as to costs.

6. In the hearing today, we asked learned counsel for the appellant as to whether in addition to the agreement of sale dated 29.11.1993, he has any other document to atleast *prima facie* show his title over the subject land.

7. Learned counsel for the appellant submits that appellant has filed a suit for specific performance being O.S.No.397 of 2015 against his vendors in the court of the Principal Senior Civil Judge, Malkajgiri, which is pending.

8. This itself goes to show that there is no transfer by way of sale of the subject land in favour of the appellant.

9. In these circumstances, we do not find any error or infirmity in the view taken by the learned Single Judge.

10. Writ Appeal is devoid of merits and is accordingly dismissed.

No costs.

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As a sequel, miscellaneous petitions, pending if any, stand dismissed.

UJJAL BHUYAN, CJ

C.V.BHASKAR REDDY, J

Date: 09.2022
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