

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.38257 of 2022

ORDER

This Writ Petition is with the following prayer;

“to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in trying to interfere into the petitioners' land in Sy.No.2546/A to an extent of Ac.04-13 gts, in Sy.No.2547 to an extent of Ac.00-24 gts, in Sy.No.2548 to an extent of Ac.00-07 gts, and in Sy.No.2546/AA to an extent of Ac.04-00 gts situated at Nizamabad Siwar Quilla, Nizamabad Mandal and District and without following due process of law as per the Act, is illegal, arbitrary and violative of principles of natural justice and consequently direct the 2nd respondent not to interfere into petitioners' land in Sy.No.2546/A to an extent of Ac.04-13 gts, in Sy.No.2547 to an extent of Ac.00-24 gts, in Sy.No.2548 to an extent of Ac.00-07 gts and in Sy.No.2546/AA to an extent of Ac.04-00 gts, situated at Nizamabd Siwar Quilla, Nizamabad Mandal and District, without following due process of law”.

2. Learned counsel for the petitioners Mr. R.A.Chary submits that the petitioners are absolute owners of land to an extent of Ac:04-13 gts in Sy.No.2546/A, an extent of Ac.00-24 gts in Sy.No.2547, an extent of Ac.00-07 gts in Sy.No.2548 and an extent of Ac.04-00 gts in Sy.No.2546/AA, situated at Nizamabad Siwar Quilla, Nizamabad Mandal and District. He submits that earlier in the year 2014, when there was interference from their neighbour, they filed O.S.No.112 of 2014 on the file of the Principal Junior Civil Judge at Nizamabad and the said suit was compromised. He submits that the petitioners are absolute owners of the subject properties. He submits that respondent No.2 Corporation, without any right and title to the subject properties, has illegally entered into their lands with JCB on 07-10-2022 and trying

to clear the bushes and the petitioners have objected the same and requested the authorities not to interfere with their lands and still the respondent Corporation has threatened the petitioners, which made them to come before this Court.

3. When the matter came up on 17-10-2022, this Court has granted an order of *status quo*. Today, a counter affidavit has been filed on behalf of the respondent Corporation, wherein they have mentioned that the land admeasuring Ac.2-10 gts in Sy.No.2545 situated at Nizamabad is a Government land, which is allotted to the respondent Corporation and the Corporation is constructing the crematorium in Sy.No.2545 only, but not in survey numbers belonging to the petitioners.

4. Learned Standing Counsel for respondent No.2 Mr. V. Satyam Reddy submits that the respondent Corporation is not interfering with the petitioners' lands in Sy.Nos.2546, 2547 and 2548. He submits that if the petitioners' lands are required, the respondent Corporation will follow due process of law.

5. Recording the submission of the learned Standing Counsel and the averments in the counter affidavit, the Writ Petition is disposed of directing the respondent Corporation not to interfere with the petitioners' possession in respect of the lands in Sy.Nos.2546, 2547 and 2548. No order as to costs.

6. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

26th December, 2022.

sj

SMT LALITHA KANNEGANTI, J