

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

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 4572 OF 2023

Between:

Banda Sathaiah, S/o Ramaiah, Occ. Business , R/o H. No. 28-2-7/3/A/1, Ward No. 13
Gollagudem Bellampally Town, Bellampally Mandal, Mancheria District

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue Department
Secretariat Buildings, Hyderabad.
2. The District Collector, Mancheria District.
3. The Tahsildar, Bellampalli Mandal, Mancheria District
4. The Bellampally Municipality, rep by its Commissioner, Bellampally, Mancheria
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 issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioners from the house property bearing H. No. 28-2-7/3/A/1 admeasuring in 220 sq. fts by boundaries North - Chandrapur to Kazipet Railway line South - NH Road from Asifabad to Mancheria East - Tippaneni Veeramma Plot , West - Raidu Plot in ward No. 13 situated at Gollagudem Bellampally Town, in Sy. No. 98 Bellampally Mandal, Mancheria District, without assigning reasons without prior notice and without following due procedure of law as illegal arbitrary and violative of Article 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the aforesaid house property belonging to the petitioners.

IA NO: 1 OF 2023

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/ dispossess the petitioners from the North - Chandrapur to Kazipet Railway line South - NH Road from Asifabad to Mancheria East - Tippaneni Veeramma Plot , West - Raidu Plot in ward No. 13 situated at Gollagudem Bellampally Town, in Sy. No. 98 Bellampally Mandal, Mancheria District without following due process of law.

Counsel for the Petitioner:

SRI. RUDRESH DESHPANDE

Counsel for the Respondents No. 1 to 3:

GP FOR REVENUE

Counsel for the Respondents No. 4:

SRI B. JAGAN MADHAVA RAO (AGP)

The Court made the following:

HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.4572 of 2023

ORDER:

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 3 and Sri B.Jagan Madhav Rao, learned counsel appearing for respondent No.4.

2. The petitioner herein is claiming right over the subject property i.e., H.No.28-2-7/3/A/1, Assessment No.1095017209 admeasuring 220 sq. fts in Sy.No.98 in Ward No.13, situated at Gollagudem Bellampally Town, Bellampally Mandal, Mancherial District, on the strength of a registered Gift Deed bearing document No.17727 of 2022 dated 23.11.2022. The grievance of the petitioner in the present Writ Petition is that respondent Nos.3 and 4 are trying to dispossess the petitioner from the aforesaid property without following due procedure laid down under law. Therefore, the present Writ Petition.

3. Whereas, Sri B.Jagan Madhav Rao, learned Standing Counsel appearing for respondent No.4 would submit that the subject property is the Government property and even then petitioner is

claiming right over the aforesaid property. Perusal of the Gift Deed would reveal that petitioner herein had purchased the aforesaid house and assessment number of the respondent No.4 is also mentioned. Respondent No.4 had issued certificate dated 25.11.2015 and petitioner is paying property tax to the respondent No.4. Therefore, according to this Court, respondent Nos.3 and 4 cannot dispossess the petitioner from the subject property without following due procedure laid down under law.

4. In view of the said discussion, this Writ Petition is disposed of directing respondent Nos.3 and 4 not to dispossess the petitioner from the aforesaid subject house without following due procedure laid down under law. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

SD/-MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary Revenue Department Secretariat Buildings, State of Telangana, Hyderabad.
2. The District Collector, Mancherial District.
3. The Tahsildar, Bellampalli Mandal, Mancherial District
4. The Commissioner, Bellampally Municipality, Bellampally, Mancherial District..
5. One CC to SRI. RUDRESH DESHPANDE Advocate [OPUC]
6. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT

KLJ

DATED:16/02/2023

ORDER

WP.No.4572 of 2023

**WRIT PETITION
IS DISPOSED OF WITHOUT COSTS**

