

**THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR**

**WRIT PETITION No.22852 of 2018**

**ORDER:**

Heard Sri V.V. Ramana Rao, learned counsel for the petitioners, learned Government Pleader for Land Acquisition and Sri Kowturu Pavan Kumar, learned counsel appearing for the unofficial respondents.

2. This writ petition is filed seeking a writ of mandamus to declare the action of respondent Nos.3 to 7 in allotting the house sites to weaker sections in the land belonging to the petitioners admeasuring Acs.4.30 guntas in Survey No.448 of Jillella Village, Thangallapally Mandal, Rajanna Sircilla District, without acquiring the said land and without initiating the land acquisition proceedings, as illegal and arbitrary.

3. The deceased 1<sup>st</sup> petitioner, who is the husband of petitioner No.2 and father of petitioner Nos.3 and 4, claimed to be the absolute owner and possessor of land admeasuring Acs.4.30 guntas in Survey No.448 out of total extent of Acs.13.11 guntas of Jillella Village, having purchased the same on 03.03.2009 vide document Nos.1186 of 2009 and 1187 of 2009 read with rectification deeds dated 09.03.2011 vide

document Nos.1568 of 2012 and 1569 of 2012. It is also the case of the petitioners that the name of the deceased 1<sup>st</sup> petitioner was mutated in the revenue records in respect of the said extent of land and he was also issued pattadar passbooks. While things stood thus, respondent Nos.3 to 7 tried to interfere with the possession of the petitioners over the said land on the ground that they have acquired land to an extent of Acs.2.00, under a registered sale deed, and they are intending to allot the same as house sites to the weaker sections. Under those circumstances, the petitioners filed the writ petition complaining the illegal interference by the official respondents.

4. This Court, by interim order dated 10.07.2018, directed the respondent Nos.3 to 7 not to dispossess the petitioners from their land admeasuring Acs.4.30 guntas in Survey No.448 of Jillella Village, Thangallapally Mandal, Rajanna Sircilla District, and the same is in operation as on date.

5. Respondent No.6 filed counter affidavit on behalf of respondent Nos.3, 4, 5 and 7 along with a petition to vacate the interim order already granted by this Court. In the counter affidavit, it is contended that the Government purchased land to an extent of Acs.2.00 in Survey No.448 under a registered sale

deed dated 04.03.2004 vide document No.469 of 2004 from one Karishma (Guardian Ippa Rajaiah), granddaughter of Korukanti Kashaiah and they are allotting house sites from out of the said extent of Acs.2.00 of land only and they are no way interfering with the land of the petitioners. From the counter affidavit, it is also seen that the flow of title in respect of the land in Survey No.448 totally admeasuring Acs.13.11 guntas, as stated in the counter affidavit, wherein it is categorically stated that the 1<sup>st</sup> petitioner is having land to an extent of Acs.4.30 guntas in Survey No.448 of Jillella Village. From the above, though it is stated in the counter affidavit that the Government has purchased land to an extent of Acs.2.00 from one Karishma, a copy of the said sale deed filed along with the said counter affidavit shows that the said extent of land was purchased from one Ippa Rajaiah, S/o. Kashaiah.

6. From the material placed on record along with the writ petition, especially the tonch plan shows that the land acquired by the Government shows that the same is on the southern end of the total extent of land in Survey No.448, whereas the enjoyment survey stated to have been conducted in the year 2018 shows that the same is shown on the northern side of the land in Survey No.448. According to learned counsel for the

petitioners, the respondents, having acquired land to an extent of Acs.2.00 at different places, on the southern side of Survey No.448, are trying to interfere with the land to an extent of Acs.4.30 guntas of the 1<sup>st</sup> petitioner which is on northern side of the land in Survey No.448.

7. Respondent Nos.9 and 10 herein are also claiming a portion of the land in Survey No.448, having succeeded to the same from their ancestor namely Lingaiah. From the facts, as noted above, there is no much dispute involved in the writ petition and there is no dispute is about the extents of land owned by the 1<sup>st</sup> petitioner, the respondent – Government and respondent Nos.8 and 9. But, the only dispute is with regard to the location and identification of the respective extents of land. In view of the same, this Court is of the considered opinion that if proper survey is conducted by the respondents demarcating the respective extents of land, the dispute can be resolved without causing any prejudice to any of the parties.

8. Taking into consideration the fact that there is no dispute about the entitlement of the 1<sup>st</sup> petitioner for the land to an extent of Acs.4.30 guntas in Survey No.448 of Jillella Village, as admitted in the counter affidavit filed by respondent Nos.3 to

7, the writ petition is disposed of directing respondent No.7 to take immediate steps for demarcating the land of the petitioners to an extent of Acs.4.30 guntas in Survey No.448 out of the total extent of Acs.13.11 guntas and fix boundaries to the same and respondent Nos.1 to 7 are further restrained from interfering with the land admeasuring Acs.4.30 guntas owned by the 1<sup>st</sup> petitioner in any manner without following due process of law. Respondent Nos.9 and 10 are also at liberty to participate in the survey to be conducted by respondent No.7, as directed above, and make their claim in respect of the land being owned by them. There shall be no order as to costs.

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

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**MUMMINENI SUDHEER KUMAR, J**

Date:24.01.2023

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