

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

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

WRIT PETITION NO: 11184 OF 2015

Between:

G.Raju S/o. Late G.Venkataswamy, aged about 55 years, Occupation: Business, r/o.
H.No.12-3-44, Moosapet, Hyderabad.

...PETITIONER

AND

1. Union of India, rep. by its Secretary, Ministry of Railways, Shastri Bhavan,
New Delhi.
2. The South Central Railway, Secunderabad, Represented, by its General
Manager, Rail Nilayam, Mettuguda, Secunderabad.

...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 an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in trying to lay the compound wall through the land belonging to the petitioner and his family members situated in SyNo. 744/A to an extent of Ac. 0-34 gts. and in SY.No.745 to an extent of Ac. 1-04 gts. of Kukatpally village, Balanagar Mandal, R.R.District, without following the due process of law or putting them on notice or taking any recourse to the acquisition or requisition proceedings as being illegal, arbitrary and is in violation of Articles 21 and 300-A of the Constitution of India and consequently direct the respondents not to lay the compound wall without following the due process of law while putting the petitioner on notice.

I.A. NO: 1 OF 2015(WPMP. NO: 14789 OF 2015)

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 respondent not to make any construction of compound wall through the lands situated in Sy No. 744/A to an extent of Ac. 0-34 gts. and in SY.No.745 to an extent of Ac. 1.04 gts. of Kukatpally village, Balanagar Mandal, R.R.District, pending disposal of the above writ petition.

I.A. NO: 2 OF 2015(WPMP. NO: 16275 OF 2015)

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 receive the annexed material papers viz., pattedar pass book issued in favour of the petitioner's father, the Panchanama 29.10.2012 as well the Pahani for the year 2014=15 and the Tounch plan as additional documents in the above Writ Petition.

Counsel for the Petitioner: SRI R. SAMEER AHMED

**Counsel for the Respondents: SRI ANANTHULA RAVINDER,
S.C. FOR CENTRAL GOVERNMENT**

**Counsel for the Respondent No.2: Ms. ANJALI AGARWAL,
STANDING COUNSEL**

The Court made the following: ORDER

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

WRIT PETITION No.11184 of 2015

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

"...to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in trying to lay the compound wall through the land belonging to the petitioner and his family members situated in Sy.No.744/A to an extent of Ac.0.34 gts and in Sy.No.745 to an extent of Ac.1.04 gts of Kukatpally village, Balanagar Mandal, R.R. District without following the due process of law or putting them on notice or taking any recourse to the acquisition or requisition proceedings as being illegal, arbitrary and is in violation of Articles 21 and 300-A of the Constitution of India and consequently direct the respondents not to lay the compound wall without following the due process of law while putting the petitioner on notice and pass..."

2. Heard Sri R. Sameer Ahmed, learned counsel appearing for the petitioner and Ms. Anjali Agarwal, learned counsel appearing for respondent No.2. Perused the record.

3. The case of the petitioner is that he and his family members are the joint owners of the land to an extent of Ac.0.34 guntas in Sy.No.744/A and an extent of Ac.1.04 guntas in Sy.No.745, situated at Kukatpally village, Balanagar Mandal, Ranga Reddy District, having acquired the same by way of succession. It is the further case of the petitioner that when third parties are interfering with their peaceful possession and enjoyment of the subject property, the petitioner along with his brother filed a Suit for perpetual injunction vide O.S.No.416 of 2011 on the file of the Additional Junior Civil

judge, Kukatpally and the same was decreed in their favour. The grievance of the petitioner is that despite the said decree, respondent No.2, without issuing any notice and without following the due procedure laid down under law, is proceeding to raise a compound wall by encroaching the property belonging to him. Hence, the present writ petition.

4. Learned counsel appearing for respondent No.2 has submitted that in respect of the very same subject property, one Mr. G. Narasimha has filed W.P.No.14179 of 2015 seeking the very same relief and the same was dismissed as withdrawn.

5. In view of the aforesaid submissions, liberty is granted to the petitioner to avail the appropriate remedies by approaching the competent Civil Court, if he is having right and title over the subject property.

6. With the above observations/directions, this writ petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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SD/- T.JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

To,

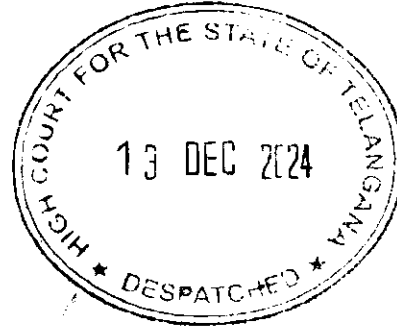
1. One CC to SRI R. SAMEER AHMED, Advocate [OPUC]
2. One CC to SRI ANANTHULA RAVINDER, S.C. for Central Government [OPUC]
3. One CC to Ms. ANJALI AGARWAL, Standing Counsel [OPUC]
4. Two CD Copies

MP

RA

HIGH COURT

DATED:27/08/2024



ORDER

WP.No.11184 of 2015

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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6 copies.