

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

THURSDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 33368 OF 2024

Between:

Smt. Bommali Saraswathi, W/o. Late B. Shivaiah Aged about 70 years, Occ-
Housewife R/o. 8-2-293/82/PLN/224, Padmalaya, Ambedkar Nagar, Film
Nagar, Jubilee Hills, Hyderabad - 500 096.

...PETITIONER

AND

1. The State of Telangana, Rep By its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The District Collector, Hyderabad District Lakdikapul Hyderabad - 500 004.
3. The Revenue Divisional Officer, Secunderabad Division Flat No.308 and 310 3rd Floor, DBS House - 1-7-43-46, Paradise Circle S.P. Road, Ramgopalpet Hyderabad - 500 003.
4. The Mandal Revenue Officer, Shaikpet Mandal Road No.2, Banjara Hills Hyderabad.
5. Smt. Seelam Yellamma, W/o. S. Laxman Age- Major
6. Seelam Renuka, W/o. S. Masaiah Age- Major R-5 and 6 are residents of Padmalaya Ambedkar Nagar, Film Nagar, Jubilee Hills, Hyderabad - 500 096

...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 directions more particularly a Writ in the nature of mandamus declaring the action of the respondents, more particularly that of the respondent No.4 in not taking effective steps to stop the illegal construction undertaken by the unofficial respondent in the Government land in terms of my representation dated 09/11/2024 is challenged in this Writ Petition as being arbitrary, illegal and violative of Articles 14, 19 (1) (g), 21 and 300-A of the Constitution of India and consequently direct the respondent No.4 to forthwith stop and demolish the construction undertaken by the unofficial respondents by following due process of Law in respect of the land towards west of Premises

No.8-2-293/82/PLN/224, Padmalaya Ambedkar Nagar, Road No.78, Film Nagar, Jubilee Hills, Hyderabad admeasuring 200 sq yards.

IA NO: 1 OF 2024

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 No.4 to take necessary steps and ensure that no further construction is taken over land towards west of Premises No.8-2-293/82/PLN/224, Padmalaya Ambedkar Nagar, Road No.78, Film Nagar, Jubilee Hills, Hyderabad admeasuring 200 sq yards.

Counsel for the Petitioner: SRI VIJAY B PAROPAKARI

Counsel for the Respondent Nos.1 TO 4: AGP FOR REVENUE

Counsel for the Respondent Nos.5 & 6: ---

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.33368 of 2024

ORDER:

It is stated that the petitioner is in possession of the premises bearing No.8-2-293/82/PLN/224 situated at Padmalaya Ambedkar Nagar, Road No.78, Film Nagar, Jubilee Hills, Hyderabad. It is further stated that taking into consideration of the long possession of the petitioner, the said property was regularized in her favour in terms of G.O.Ms.No.58, dated 22.09.2015. It is further stated that when third parties are interfering with the possession of the petitioner over the subject property, a suit for perpetual injunction has been instituted by her *vide* filed O.S.No.3897 of 2021 on the file of the VIII Junior Civil Judge, City Civil Court, Hyderabad and the said suit was decreed restraining the defendants therein and any other persons claiming through them from interfering with her possession over the subject property *vide* judgment and decree, dated 28.12.2023. It is further stated that towards western side of the subject property, there is open land admeasuring 200 square yards and the same is not assigned to anybody and when the unofficial respondents are taking steps to encroach upon the said open land and trying to raise constructions, the petitioner made a representation, dated

09.11.2024 seeking for taking steps for safeguarding the said government land. The grievance of the petitioner is that even after receiving the said application the respondent authorities are not conducting any enquiry and not taking any steps to safeguard the government land from the encroachers, to enable the colony people to utilize the said land as open space/children park.

2. Considered the submissions of the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 and with their consent this writ petition was disposed at the admission stage. In view of the relief sought in this writ petition issuance of notice to the unofficial respondents is dispensed with.

3. In view of the submissions made by the learned counsel for the respective parties, this Court, without expressing any opinion on the right and entitlement of the petitioner over the subject property, is of the opinion that the ends of justice would be met if respondent No.4 is directed to conduct enquiry on the representation, dated 09.11.2024 submitted by the petitioner and after issuing notice to all the persons interested and the persons affected by virtue of initiating any proceedings under

the provisions of the Telangana Land Encroachment Act, 1908, take appropriate steps for safeguarding the government land from the encroachments, within a period of four (04) weeks from the date of receipt of a copy of this order.

4. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

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

SD/- P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department Secretariat, Hyderabad, State of Telangana.
2. The District Collector, Hyderabad District Lakdikapul Hyderabad - 500 004.
3. The Revenue Divisional Officer, Secunderabad Division Flat No.308 and 310 3rd Floor, DBS House - 1-7-43-46, Paradise Circle S.P. Road, Ramgopalpet Hyderabad - 500 003.
4. The Mandal Revenue Officer, Shaikpet Mandal Road No.2, Banjara Hills Hyderabad.
5. One CC to SRI VIJAY B PAROPAKARI, Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
7. Two CD Copies

PSK.
BSR

PA

HIGH COURT

DATED:28/11/2024

ORDER

WP.No.33368 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

PA
24/1/25
10 copies.