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

WEDNESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

**WRIT PETITION NO: 32668 OF 2014**

**Between:**

MD. Vikharuddin Ahmed, S/o: MA Nayeem, age 27 years, R/o 2-8-131,Old colony, Sirpur-Kaghaznagar, Adilabad district. Telanana State.

**...PETITIONER**

**AND**

1. State of Telangana, represented by its Principal secretary Municipal Administration secretariat , Hyderabad.
2. District Collector, Adilabad district , Adilabad.
3. Sub-Collector, Asifabad, Adilabad district, Telangana state.
4. Municipal Commissioner, sirpur kaghaznagar Municipality Sirpur Kaghaznagar, Adilabad district.
5. Tahsildar, Sirpur -Kaghaznagaar Mandal Adilabad District.
6. Gulam Ahmed, S/o: JanMohamad DN01-2-73/2,Beside Arabic school Near Ambedkar Chowk, Kaghaznagar Adilabad 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 writ or order more Particularly writ of MANDAMUS by declaring the action of the 4[th] Respondent in not taking any action on representation dated 7-10-2014 filed by the Petitioner is illegal arbitrary voilative article 14,21 and 300 A of the constitution of India, and direct the 4[th] respondent dispose of the representation dated 7-10-2014 in view of Memo no G/925/2013 Dt:18-9-2014 issued by the 3rd Respondent Consequently direct the respondent hand over the possession of Plot No 47 B to the Petitioner forthwith.

**I.A. NO: 2 OF 2017(WPMP. NO: 1531 OF 2017)**

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 3 and 4 to hand over the possession of the Plot No.47B, extent 30X100 feets i.e., 333.33 square yards to the petitioner forthwith by demolishing the illegal construction of the 6th respondent, in the interest of justice

**I.A. NO: 1 OF 2014(WPMP. NO: 40832 OF 2014)**

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 4th respondent dispose of the representation dated 7-10-2014 inview of Memo no G/925/2013 dt:18-9-2014 issued by the 3rd Respondent for handing over the possession of Plot No 47 B to the Petitioner forthwith

**Counsel for the Petitioner: SRI MD. VIKHARUDDIN AHMED (PARTY IN PERSON)**

**Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION URBAN DEVELOPMENT**

**Counsel for the Respondent Nos.2,3 and 5: GP FOR REVENUE**

**Counsel for the Respondent No.4: SRI M. RAM MOHAN REDDY, SC**

**Counsel for the Respondent No.6: M/S K. JAMALI**

**The Court made the following: ORDER**

**HON'BLE SRI JUSTICE K. LAKSHMAN**

**WRIT PETITION No.32668 of 2014**

**ORDER**:

Heard learned party-in-person, learned Assistant Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, learned Assistant Government Pleader for Revenue appearing for respondent Nos.2, 3 and 5, Sri M. Ram Mohan Reddy, learned Standing Counsel appearing for respondent No.4 and Sri K. Jamali, learned counsel appearing for respondent No.6.

**2.** According to the petitioner, his grandfather i.e., Sri. Abdul Kareem has been allotted the land by issuing patta proceedings as per the G.O.Ms.No.1406 dated 25.07.1958 under assignment policy. House number was also allotted to him vide H.No.1-2-471. After the death of his grandfather, petitioner's father has succeeded the subject property.

**3.** It is further contended that respondent No.6 has occupied the said property and started illegal construction over the subject property. His father submitted a representation to respondent No.4 to take action against respondent No.6. Despite receiving and acknowledging the said representation, respondent No.4 did not act upon the same. Aggrieved by the said inaction of respondent No.4, petitioner filed the present writ petition.

**4.** Whereas, Sri K. Jamali, learned counsel appearing for respondent No.6, on instructions, would submit that respondent No.6 has purchased the subject property in an auction conducted by respondent No.4 Municipality and he is in possession of the property. He made construction after obtaining permission from respondent No.4. Therefore, petitioner cannot seek direction to respondent No.4 to hand over the possession of the subject property from respondent No.6.

**5.** Vide letter proceeding No.D-3202/1998 undated, respondent No.3 requested respondent No.4 to take steps to

stop further construction of respondent No.6 pending finalization of the case and report compliance by dated 22.02.1999. Therefore, according to petitioner, respondent No.4 has to hand over the subject property to the petitioner from respondent No.6.

**6.** As discussed supra, both petitioner and respondent No.6 are claiming right over the subject property. According to the petitioner, it is his ancestral property. According to respondent No.6, he has purchased the subject property from respondent No.4 in an open auction. He has obtained building permission from respondent No.4 and made construction. Thus, respondent No.4 has no power to hand over the possession of the subject property to the petitioner from respondent No.6. The grievance of the petitioner is that the subject property belongs to him. Even then, respondent No.6 occupied the same illegally and making construction. Therefore, respondent No.4 cannot decide the title dispute and cannot direct respondent No.6 to vacate the subject property and hand over to the petitioner. If the petitioner has any grievance, he has to approach competent

civil Court. He cannot submit representation to respondent No.4 and file the present writ petition alleging non consideration of the said request.

**7.** In the light of the said discussion, this writ petition is disposed granting liberty to the petitioner to approach competent Court for redressal of his grievance. There shall be no order as to costs.

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

**SD/-T.TIRUMALA DEVI**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Principal secretary Municipal Administration secretariat , State of Telangana. Hyderabad.
2. District Collector, Adilabad district , Adilabad.
3. Sub-Collector, Asifabad, Adilabad district, Telangana state.
4. Municipal Commissioner, sirpur kaghaznagar Municipality Sirpur Kaghaznagar, Adilabad district.
5. Tahsildar, Sirpur -Kaghaznagaar Mandal Adilabad District.
6. One CC to MD. Vikharuddin Ahmed. (party in Person ) R/o 2-8-131,Old colony, Sirpur-Kaghaznagar, Adilabad district. Telanana State. [OPUC]
7. Two CC to GP for Revenue, High Court for the State of Telangnana, at Hyderabad[OUT]
8. One CC to M/s. K. Jamali, Advocate [OPUC]
9. Two CCs to GPM Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
10. One CC to Sri M. Ram Mohan Reddy, SC[OPUC]
11. Two CD Copies

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HIGH COURT

DATED:04/12/2024




ORDER

WP.No.32668 of 2014

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(15) Copies
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