

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

TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 36891 OF 2024

Between:

C. Rama Krishna, S/o C. Anjaiah, Aged 51 years, Occ. Business, R/o H.No. 3-72/16/P, Near DPS School, PJR Nagar, Khajaguda, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District.
3. The Revenue Divisional Officer, Ranga Reddy District.
4. The Deputy Collector and Tahsildar, Serilingampally Mandal, Serilingampally, Ranga Reddy 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, particularly in the nature of Mandamus declaring the action of the respondent No.4 in interfering with the possession and enjoyment of the Petitioner in respect of property bearing H.No. 3-72/16/P on Plot No. 16, Sy.NO. 27, admeasuring 100 Sq. yards, situated at PJR Nagar, Khajaguda Village, Serilingampally Mandal, Ranga Reddy District as illegal, arbitrary and unconstitutional and violation of Art. 14, 19 and 300-A of the Constitution of India and consequently direct to the respondents not to interfere with the possession of the Petitioner with respect to house bearing No. 3-72/16/P on Plot No. 16, Sy.No. 27, admeasuring 100 Sq. yards, situated at PJR Nagar, Khajaguda Village, Serilingampally Mandal, Ranga Reddy District in any manner

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 Respondents not to interfere with the possession of the Petitioner over the, house bearing No. 3-72/16/P on Plot No. 16, Sy.No. 27, admeasuring 100 Sq. yards, situated at PJR Nagar, Khajaguda Village, Serlingampally Mandal, Ranga Reddy District in any manner

Counsel for the Petitioner: SRI. G. SUNDARESAN

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

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

WRIT PETITION No.36891 OF 2024

ORDER:

This Writ Petition is filed seeking to declare the action of respondent No.4 in interfering with the possession and enjoyment of the petitioner in respect of property bearing House No.3-72/16/P, Plot No.16, admeasuring 100 sq.yards., in Sy.No.27, situated at Khajaguda Village, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary and for other appropriate reliefs.

2. Considered the submissions of the learned counsel for the respective parties and with their consent this writ petition is disposed of at the admission stage.

3. It is stated that the petitioner is the owner and possessor of house bearing No.3-72/16/P, admeasuring 100 sq. yards, situated at Khajaguda Village, Serilingampally Mandal, Ranga Reddy District, having purchased the same under a registered sale deed bearing document No.350 of 2015, dated 22.01.2015. It is also stated that after obtaining building permission from GHMC, he constructed a house and regularly paying the property tax to GHMC. It is further stated that despite the same, respondent No.4 has issued impugned notice vide No.B/1671/2024, dated 07.11.2024 under Section 7 of the Telangana Land Encroachment Act, 1905 (for short, 'Act, 1905')

alleging that he has encroached land to an extent of 100 sq. yards in Sy.No.27 of Khajaguda Village. The grievance of the petitioner is that even though he submitted explanation dated 24.12.2024 to the said notice, without considering the same, respondent No.4 is not only interfering with his possession but also trying to dispossess him from the subject property.

4. Learned counsel for the petitioner has contended that the petitioner has in fact purchased the subject property long back and the alleged encroached portion is not of recent origin. It is further contended that if the alleged encroachment of the petitioner is not of recent origin, the respondents are not having any power to invoke the provisions of the Act, 1905. Learned counsel also submitted that the petitioner has submitted explanation on 24.12.2024 to the impugned notice issued by respondent No.4, enclosing all the relevant documents, but respondent No.4 without considering the said explanation, is interfering with the possession of the petitioner in respect of the subject property.

5. The issues raised herein are required to be adjudicated by the competent authority duly taking into consideration the explanation submitted by the petitioner. Since it is stated that the petitioner has submitted explanation to the impugned notice, enclosing all the documents in support of his claim, this Court without going into the

merits of the case, deems it appropriate to direct respondent No.4 to pass a reasoned and speaking order, in accordance with law, after considering the explanation and the supporting documents submitted by the petitioner. Till passing of the speaking order, the respondents are directed not to initiate any coercive action against the subject property of the petitioner in any manner.

6. With the above direction, this Writ Petition is disposed of.

As a sequel, miscellaneous applications pending if any, shall stand closed. No costs.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue Department, Secretariat, T.S, Hyderabad.
2. The District Collector, Ranga Reddy District.
3. The Revenue Divisional Officer, Ranga Reddy District.
4. The Deputy Collector and Tahsildar, Serilingampally Mandal, Serilingampally, Ranga Reddy District.
5. One CC to SRI. G. SUNDARESAN, Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

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HIGH COURT

DATED:31/12/2024

ORDER

WP.No.36891 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10)
05/02/25
bvs