

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND EIGHTEEN**

:PRESENT:

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION NO: 34061 OF 2018

Between:

Smt. Rajkumari Khandelwal, W/o. Sri Chander Mohan Khandelwal,

Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary, Revenue Department Secretariat, Hyderabad
2. The District Collector, Ranga Reddy District at Lakdikapool, Hyderabad
3. The Tahsildar, Kukatpally Mandal, Kukatpally, Ranga Reddy District
4. The Deputy Tahsildar, Kukatpally Mandal, Kukatpally, Ranga Reddy District
5. The Station House Officer, Kukatpally Police Station, Kukatpally (Ranga Reddy District)
6. The Kukatpally Councillor, Kukatpally, Ranga Reddy District
7. The Deputy Mayor, GHMC, Hyderabad
8. SIET EMPLOYEES COOPERATIVE HOUSING SOCIETY, (Retdd TA B No. 169, Yousufguda, Hyderabad Representation by its President
9. The Tahsildar, Serilingampally mandal, Serilingampally Ranga Reddy District
10. The Station House Officer, Serilingampally PS, 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 more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents Nos. 3 to 6 in demolishing the petitioner's compound wall situated in Plot No. 220 admeasuring 220 sq. yards situated in S nos. 12, 12/A and 13 situated at Guttala Begumpet Village, Seri Lingampally Mandal, Ranga Reddy District is a private patta land without giving any notice and without issuing proceedings and without having power or authority is illegal and void and opposed to Article 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 3 to 5 to reconstruct the compound wall of the petitioner plot in question including granting damages to the petitioner herein and further direct not to interfere with the peaceful possession and enjoyment of the petitioner land without following due process of law;

IA NO: 1 OF 2018:

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 dispossess the petitioner herein from the Plot No. 220 admeasuring 220 sq. yards situated in S nos. 12, 12/A and 13 situated at Guttala Begumpet Village, Seri Lingampally Mandal, Ranga Reddy District, pending disposal of the WP No. 34061 of 2018, on the file of the High Court.

The petition coming on for hearing and upon perusing the petition and affidavit filed herein and order of the High Court dated 20-09-2018 made herein and upon hearing the arguments of Sri M. Triveni, Advocate for the Petitioner, GP for Revenue (TG) for Respondent Nos.1 to 4 & 9, GP for Home (TG) for Respondent Nos.5 & 10 and of Sri Sampath Prabhakar Reddy, Standing Counsel for Respondent Nos.6 & 7, the Court made the following

ORDER:

As seen from the record, the petitioner claims to be in possession of Plot No.220 admeasuring 220 sq. yards situated in Sy.Nos.12, 12/A and 13 of Guttala Begumpet village, Serilingampally Mandal, Ranga Reddy District.

Questioning the action of the respondents in trying to demolish the compound wall of the petitioner, this writ petition is filed. One of the main grounds urged by the learned counsel for the petitioner is that the respondents 3 to 6 have no jurisdiction to interfere with the subject property.

On the other hand, the learned Assistant Government Pleader would submit that taking advantage of the orders passed earlier, the petitioner herein is trying to encroach on to the land in Sy.No.30 of Allapur village, which is a Sikham land. But petitioner strongly denies his encroachment on to the Government land situated in Sy.No.30. On the other hand states that he is constructing the compound wall in respect of her plots only.

Learned Asst. Government Pleader would submit that if the petitioner is in possession and is raising constructions within her land, the question of interference by the official respondents would not arise and that the officials will object only if the petitioner encroaches on to the Government land (FTL).

Hence, the respondents shall not interfere with the property in dispute, which the petitioner is in possession of except in accordance with law. However, if the petitioner encroached on to the Government land, the respondents shall take steps for her eviction in accordance with law apart from initiating Criminal prosecution for trespass. In view of the earlier orders passed, the petitioner also shall not raise any construction in the disputed property until further orders.

Sd/- M. RAMESH BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Revenue Department, The State of Telangana, Secretariat, Hyderabad
2. The District Collector, Ranga Reddy District at Lakdikapool, Hyderabad
3. The Tahsildar, Kukatpally Mandal, Kukatpally, Ranga Reddy District
4. The Deputy Tahsildar, Kukatpally Mandal, Kukatpally, Ranga Reddy District
5. The Station House Officer, Kukatpally Police Station, Kukatpally (Ranga Reddy District)
6. The Kukatpally Councillor, Kukatpally, Ranga Reddy District
7. The Deputy Mayor, GHMC, Hyderabad
8. The President, SIET EMPLOYEES COOPERATIVE HOUSING SOCEITY, (Retdd TA B No. 169, Yousufguda, Hyderabad
9. The Tahsildar, Serilingampally mandal, Serilingampally Ranga Reddy District
10. The Station House Officer, Serilingampally PS, Serilingampally Ranga Reddy District (1 to 10 by RPAD ~~along with a copy of petition and affidavit~~)
11. One CC to Sri M. Triveni, Advocate [OPUC]
12. Two CCs to GP FOR REVENUE (TG), High Court Of Judicature at Hyderabad. [OUT]
13. Two CC to GP for Home (TG), High Court, Hyderabad (OUT)
14. one spare copy

tvr

HIGH COURT

CPK, J

DATED:26/09/2018

WP.No.34061 of 2018

DIRECTION



✓