

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

**THURSDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 11350 OF 2010

Between:

Smt. Chikkudu Kalavathi, W/o. C. Prakash aged about 43 years, Occ: House wife R/o.Kondapur village, Ghatkesar Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The Tahsildar, Ghatkesar Mandal, Ghatkesar, Ranga Reddy District.
2. The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3. The Sarpanch, Kondapur, Gram Panchayath, Ghatkesar Mandal, Ranga Reddy District.

(Respondent No.3 is impleaded as per Court Order dated 5/10/10 in W.P.M.P 25655/10)

...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 in declaring the agricultural land of the petitioner to an extent of Ac.0-14 ½ gts in Sy.No. 259/3 at Kondapur Village, Ghatkesar Mandal, R.R. District as Government land and demolishing the structures as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents not to dispossess the petitioner from her land

an extent of Ac.0-14 ½ gts in Sy.No. 259/3 at Kondapur Village, Ghatkesar Mandal, R.R. District.

I.A. NO: 1 OF 2010(WPMP. NO: 14424 OF 2010)

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 of the land an extent of Ac.0-14 1/2 gts; in S.No. 259/3 at Kondapur Village, Ghatkesar Mandal, R.R. District, pending disposal of the writ petition.

I.A. NO: 3 OF 2010(WPMP. NO: 32515 OF 2010)

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 disposes the petitioner of the land an extent of Ac. 0-14 1/2 Gts in Sy.No. 259/3 of kondapur Village, Ghatkesar Mandal, R.R. District pending disposal of the main Writ Petition.

I.A. NO: 1 OF 2013(WVMP. NO: 3815 OF 2013)

Between:

1. The Tahsildar, Ghatkesar Mandal, Ghatkesar, Ranga Reddy District.
2. The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.

...PETITIONERS/RESPONDENTS 1 AND 2.

AND

1. Smt. Chikkudu Kalavathi, W/o. C. Prakash aged about 43 years, Occ: House wife R/o.Kondapur village, Ghatkesar Mandal, Ranga Reddy District.

...RESPONDENT/PETITIONER

2. The Sarpanch, Kondapur, Gram Panchayath, Ghatkesar Mandal, Ranga Reddy District.

(R2 is not necessary party to this petition)

...RESPONDENT/RESPONDENT NO.3

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 vacate the interim order granted on 7.10.2010 in W.P.M.P.No. 32515 of 2010 in W.P.No. 11350 of 2010

Counsel for the Petitioner: SRI. J SOMASUNDARAM

Counsel for the Respondent Nos.1 &2: GP FOR REVENUE

**Counsel for the Respondent No.3: SRI P. KISHORE RAO,
S.C. FOR GRAM PANCHAYAT**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.11350 of 2010

ORDER: (Per the Hon'ble Sri Justice J.Sreenivas Rao)

This writ petition is filed for the following relief:

"...to issue a Writ, Order or Direction more especially one in the nature of Writ of Mandamus declaring the action of the respondents in declaring the agricultural land of the petitioner to an extent of Ac.0-14½ gts, in Sy.No.259/3 at Kondapur Village, Ghatkesar Mandal, Ranga Reddy District, as Government land and demolishing the structures as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents not to dispossess the petitioner from her land to an extent of Ac.0-14½ gts. in Sy.No.259/3 at Kondapur Village, Ghatkesar Mandal, Ranga Reddy District ..."

2. When the matter is taken up for consideration, there is no representation on behalf of the petitioner as well as respondents.

3. The grievance of the petitioner is that her late father namely Mr.Kavali Somaiah, was the owner and possessor of agricultural land to an extent of

Ac.0-14½ gts, in Sy.No.259/3 at Kondapur Village, Ghatkesar Mandal, Ranga Reddy District (herein after referred to as "subject property") and during his life time, he transferred the subject property in her favour and her sister through Gift Settlement Deed document bearing No.3809 of 1983. Thereafter, the petitioner and her sister partitioned the subject property and the petitioner constructed single room in her property.

4. Further grievance of the petitioner is that respondent No.1 without issuing any notice to the petitioner, on 03.03.2010, directed respondent No.3 to take over the possession of the subject property and respondent No.3 visited her land and demolished the structure which was raised in the subject property.

5. Respondent No.1 filed counter affidavit, wherein it is stated that the subject property was assigned in favour of one Mr.Kavali Somaiah and his name was

mutated in the revenue records and the petitioner is no way concerned in respect of the subject property. Hence, the question of dispossessing the petitioner from the subject property does not arise.

6. It appears from the record that the petitioner has not filed any reply denying the averments made in the counter affidavit.

7. In this writ petition the parties have raised several disputed questions of facts in respect of possession as well as title over the subject property and the same cannot be adjudicated in summary proceedings under Article 226 of Constitution of India. Hence, this Court is of the considered view that the petitioner can agitate her rights by approaching competent civil Court.

8. Accordingly, the writ petition is disposed of. However, the petitioner is granted liberty to agitate her rights by approaching competent Court, if so advised. No costs.

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

Sd/- K. AMMAJI
ASSISTANT/REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Tahsildar, Ghatkesar Mandal, Ghatkesar, Ranga Reddy District.
2. The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3. The Sarpanch, Kondapur, Gram Panchayath, Ghatkesar Mandal, Ranga Reddy District
4. One CC to SRI J. SOMASUNDARAM, Advocate [OPUC]
5. One CC to SRI KISHORE RAO, S.C. for Gram Panchayat [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

KKS
MP

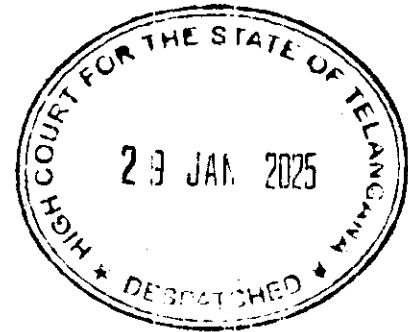


HIGH COURT

DATED:02/01/2025

ORDER

WP.No.11350 of 2010



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**