

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

WRIT PETITION No.37655 of 2015

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19.11.2015

Between:

R.Venkateshwarlu

.. Petitioner

and

The State of Telangana,

represented by its Principal Secretary,

Panchayat Raj and Rural Development Department,

Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.P.R.K.Amarndra Kumar

Counsel for respondent Nos.1 and 3: Government Pleader

for Panchayat Raj (TS)

Counsel for respondent Nos.2 and 4:Assistant Government Pleader for Revenue (TS)

The Court made the following:

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ORDER:

The issue whether an approved lay out in respect of a part of the land in R.S.Nos.8 and 9 of Chengicherla Village, Ghatkesar Mandal, Ranga Reddy District, is in existence or not arises for consideration in this writ petition.

The petitioner, who purchased agricultural land admeasuring Acs.4.00 in R.S.No.8 of Chengicherla Village in Court auction, was unsuccessful in convincing respondent No.4 to grant pattadar passbook and title deed in respect of the said land on the ground that the aforesaid survey number was converted into approved lay out and thereby, the land in question ceased to be an agricultural land. In that backdrop, the petitioner made a representation to respondent Nos.2 and 3 for cancellation of the purported lay out stated to have been sanctioned by Chengicherla Gram Panchayat. By the impugned proceedings, dated 09.08.2015, respondent No.3, while observing that the remarks called for by him from the lower authorities revealed that the Sarpanch of Boduppall Gram Panchayat, sanctioned lay out in 1976 and that subsequently, the said Gram Panchayat was bifurcated by carving out a new Gram Panchayat called Chengicherla Gram Panchayat and that in view of the said bifurcation, the original lay out was not available in the office of either Gram Panchayat. Respondent No.3 accordingly advised the petitioner to approach the civil Court by way of a civil suit for appropriate relief.

Upon considering the reasons assigned by respondent No.3, this Court is of the opinion that when there is a serious dispute about the existence or otherwise of the approved lay out, the appropriate remedy for the petitioner is to approach the civil Court as suggested by respondent No.3 as it is his contention that no approved lay out is in existence and that therefore, the petitioner's land shall be treated as agricultural land. As the petitioner's grievance is limited to the denial of pattadar passbook and title deed only on the ground of existence of an approved lay out, a decree in civil suit for declaration that no such approved lay out is in existence will serve his purpose, provided he is able to produce evidence to the effect that no such approved lay out is in existence.

In the light of the above facts, I do not find any illegality or jurisdictional error in the proceedings, dated 09.08.2015, of respondent No.3 in relegating the petitioner to civil Court.

The Writ Petition is accordingly dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.48432 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

19th November, 2015

GHN

