

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.10404 OF 2015

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ORDER:

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The petitioner claims to be owner of patta land in Survey Nos.171/10, 171/11, 171/12 and 171/13 of Jaithwaram Village, Kandukur Mandal, Ranga Reddy District. Alleging that the respondent authorities, particularly Deputy Engineer, Irrigation Sub-Division, Mahenswaram, are trying to interfere with the patta land of the petitioner for Mission Kakatiya, the present Writ Petition is filed.

Initially when the Writ Petition was heard, while issuing notice before admission, interim direction was issued not to dispossess the petitioner from his patta land without due process of law. The said order is continuing in force.

The Deputy Executive Engineer, IB Sub-Division, Maheswaram, the 5th respondent filed a counter affidavit along with the application seeking vacation of the stay.

I have heard learned counsel for the petitioner, learned Government Pleader for Revenue appearing for respondents, 1, 3 and 4 and learned Government Pleader for Irrigation appearing for respondents, 2 and 5.

The petitioner asserts that he is the owner of the subject land in the above referred survey numbers, but the counter affidavit states that as per the revenue records, the land in the above survey numbers was initially shown as belonging to 'Talab Shikam' and subsequently, the classification was changed to 'patta' in the revenue records. The counter affidavit further states in paragraph No.6 denying the petitioner's claim that the land of the petitioner is being acquired for restoration of the tank and it is also denied that there is a proposal for

acquisition of his land. The allegation of the petitioner that his land is going to be affected for the works taken out by the respondent authorities is specifically denied. It is further stated that the respondent authorities are only protecting or restoring the tank and are not interfering with the petitioner's land as claimed.

It is evident from the above that the petitioner's land continues to remain as patta land as per the revenue records and in the works taken out by the respondent authorities, his land is not affected. In view of the same, it is clear that the present Writ Petition is filed merely on an apprehension and hence, it is not necessary to entertain the same any further.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

02.09.2015

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