

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION Nos.36127 and 36146 of 2015

BETWEEN

Kothala Ashamma and another.

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary, Land Acquisition Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 18.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No allowed to see the Judgments?
2. Whether the copies of judgment may be marked No to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No fair copy of the Judgment?

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COMMON ORDER:

Petitioners claim that land in an extent of Ac.1.00 guntas each in Sy.No.416/9 and Sy.No.416/10 situated at Bheemgal Village and Mandal, Nizamabad District was assigned to one Narsaiah and Poshanna respectively and after their demise, the wife of Narsaiah and son of Poshanna, petitioners herein, are stated to be enjoying their respective lands. The present writ petitions came to be filed on the ground that though their names are recorded in the revenue record and pattadar pass books and title deeds having been issued, respondents 3 and 4 are interfering with the said lands and trying to dispossess them to undertake construction of two bed room houses to poor people. Petitioners allege that no notice, as such, was issued to them and as such, the respondents 3 and 4 cannot interfere or dispossess them from their respective assigned lands.

2. Learned Government Pleader has received instructions, which confirm the assignment for total extent of Ac.2.00 guntas in Sy.Nos.416/9 and 416/10 in favour of families of Kothala Ashamma and Kothala Bhumanna respectively. It is, however, stated that the Government has proposed the land in Sy.No.416/RU admeasuring Ac.2.00 guntas, which is located near to Sy.No.502, for construction of Degree College and as the said land was vacant, the same was taken into Government custody to construct a Scientific Godown. So far as petitioners are concerned, it is stated that they are encroaching the Government land in Sy.No.416/10, which is located near to the land in Sy.No.502 but their lands were originally assigned near to the road passing from Bheemgal to Jagiryal.

3. It is evident from the above that the assignment of the petitioners is not disputed by the

fourth respondent and only allegation is made to the extent of petitioners encroaching on the Government land. Hence, as long as petitioners confine themselves to their respective assigned lands, which is stated to be located near to the road passing from Bheemgal to Jagiryal, there appears to be no interference by respondents 2 to 4 and there appears to be no proceeding initiated against the petitioners. Hence, the possession and enjoyment of the petitioners with respect to their assigned lands, being not interfered with by respondents 2 to 4, as above, no further direction is called for.

The writ petitions are disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 18, 2015

DSK