

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.25952 OF 2015

ORDER

The case of the petitioners is that a Government School building was constructed in Survey No.185 of Pedda Tupra Village over an extent of 33 guntas of land, which was contributed by the ancestor of respondents 5 and 6 and the revenue records of the Village also indicate that the school building was constructed in Survey No.185. While so, the respondents 2 to 4 decided to acquire the 33 guntas of land in Sy.No.185 and in alternate allot the equal extent of land out of Government land in Survey No.183. Accordingly, the 2nd respondent instructed the 4th respondent to take necessary action and provide alternate Government land to the respondents 5 and 6 and the respondents 5 and 6 also accepted to take alternate land in lieu of their land admeasuring 33 guntas in Survey No.185. Thereafter, the 4th respondent submitted proposals to the 1st respondent vide proceedings dated 26.05.2003 seeking permission to allot equal extent of land to the respondents 5 and 6 in the adjacent Government land in Survey No.183 and accordingly the equal extent of land was given to respondents 5 and 6. While so, the Government in order to expand the existing school building constructed new school building in and over Government land in Survey No.183. As such, the school in the petitioners' Village was being run in old building in Sy.No.185 as well as in expanded new building in adjacent land. The respondents 5 and 6 taking advantage of their names being shown as pattadars in revenue records against the piece of land over which the old school building is existing attempted to take over the said land and the school building. Though the same was brought to the notice of the 4th respondent, no action has been taken.

The petitioners have also submitted representation dated 05.08.2014 requesting the 4th respondent to protect the school building from demolition. Meanwhile, the respondents 5 and 6 filed W.P.No.23623 of

2014 misrepresenting the facts. Again on 24.09.2014, the petitioners made another representation to the 4th respondent, but no action has been taken. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioners.

The learned Assistant Government Pleader for Revenue produced written instructions dated 14.08.2015 issued by the 4th respondent wherein it is admitted that 33 guntas of land in Sy.No.185 stand in the name of respondents 5 and 6 and that there exists an old school building in the said land. It is stated that there are no classes being run the said school at present. Further, it is stated that though in the past there was a proposal for acquiring the land of respondents 5 and 6 in Sy.No.185 for construction of school building, the proposals were not materialised and the school building was constructed in the Government land in Sy.No.183. Earlier when the respondents 5 and 6 filed W.P.No.23623/2014 stating that Tahsildar is trying to dispossess them from the land in Sy.No.185, the fact that the respondents never interfered with the possession of the respondents 5 and 6 was brought to the notice of this Court and the writ petition was disposed of in favour of the respondents 5 and 6. It is also submitted that the Tahsildar-4th respondent never attempted to demolish the school building existing in the land bearing Sy.No.185.

It is to be seen that even according to the petitioner land to an extent of 33 guntas in Sy.No.185 belong to the respondents 5 and 6 and admittedly there was a proposal for acquisition of the said land for construction of new school building. But the instructions of the 4th respondent reveal that there exists an old school building in Sy.No.185 and at present no classes are being run in the said school and a new school building was constructed in Sy.No.183, without acquiring the land belonging to the respondents 5 and 6. Since it is stated that the 4th respondent never attempted to demolish the school building existing

in Sy.No.185, the petitioners cannot have any grievance against the respondents 5 and 6.

In view of the above facts and circumstances, there are no merits in the writ petition. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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

A.RAJASHEKER REDDY,J

Date: 18.08.2015
dv