IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.17490 of 2014

BETWEEN

Danekula Mallesh.

... PETITIONER

AND

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

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 07.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? No

2. Whether the copies of judgment may be marked to Law Reporters/Journals? No

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? No

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader.

2. Petitioner claims that he is the owner and possessor of land admeasuring Ac.1.00 guntas in Sy.No.151 situated at Ameenpur village, Patancheru Mandal, Medak District by virtue of registered sale dated 16.01.2003 bearing document No.5397 of 2003. Alleging that on 23.06.2014, respondents 3 to 6 tried to take possession of his land alleging that it is Government land and that it is being allotted to Electricity Board, the petitioner filed the present writ petition.

3. At the time of admission, on 01.07.2014, this Court passed interim order as follows:

> "Petitioner claims to be the owner and possessor of one acre of land in Survey No.151 of Ameenpur Village, Patancheru Mandal, Medak District.
>
> A perusal of proceeding No.B/581/2013, dated 16-06-2013, issued by respondent No.4- Tahsildar, Patancheru, shows that the petitioner's land was earmarked and assigned Survey No.151/5A/1 for Ac.0.20 guntas and Survey No.151/5A/2 for another Ac.0.20 guntas totally admeasuring one acre.
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> The learned Government Pleader for Revenue representing respondent Nos.1 to 6 as well as Mr. O. Manohar Reddy, learned Standing Counsel for APCPDCL appearing for respondent No.6 seek time to get detailed instructions as the total extent in Survey No.151 is more than 27 acres.

Hence, list the Writ Petition on 08-07-2014 in the motion list.

Till then, the possession of the petitioner in respect of the land earmarked as above shall not be interfered with by the respondents. However, this order does not preclude the respondents from carrying on any developmental work in balance land."

4. Learned Government Pleader has since filed WVMP.NMo.3381 of 2014 and when the vacate petition came up for hearing, the writ petition itself is heard with consent of the parties.

5. Counter affidavit filed by the fourth respondent, *inter alia*, denies the claim for title made by the petitioner, as above and seeks to contend that the entire land is Poramboku Sarkari admeasuring Ac.27.04 guntas in Sy.No.151. Various other contentions are also raised disputing the title of the petitioner.

6. Petitioner, however, places strong reliance upon the mutation granted in his favour by the fourth respondent in proceedings No.B/581/2013 dated 16.06.2013 recording that petitioner has purchased the land from his vendor under registered document, referred to above.

7. Thus, though the counter affidavit refers to various aspects disputing the title of the petitioner, relevant para in the said counter affidavit, which is extracted as follows, is crucial for consideration of this case. Para 4 of the counter affidavit is extracted as under:

"4) In reply to para 5 of the affidavit it is submitted that the Supdt. Engineer Electricity, Medal District request the District Collector, Medak for alienation of Govt. land for construction of 33/11 KV Sub-Station at Ameenpur village in Sy.No.151 of Ameenpur Village, for which the land is suitable for 33/11 KV Sub-Station, as per the instructions of the District Collector, Medak Lr.No.E1/347/2012, Dt. 18-06-2014, out of Ac.27-04 gts only Ac.1.09 gts land proposed with the following boundaries:

East : Sy.No.151

West : Sy.No.165

South : Sy.No.165 & 151 Govt. land

North : Sy.No.164

And handed over advance possession to the Electricity Dept. for construction of 33/11 KV Sub-Station at Ameenpur Village. Whereas in the purchased document the suit land boundaries as follows:

East : 40 Feet Road

West : Sy.No.151

South : Piece No.27

North : Sy.No.151

The suit land is not the one and the same proposed for sub-station."

8. It would be evident from the above that even according to the said counter affidavit, the land claimed by the petitioner is different from the land alienated by the respondents in favour of the Electricity Department for the purpose of establishing 33/11 KV Sub-Station.
It is stated on 18.06.2014 advance possession is given and on 24.06.2014 the possession has also been delivered. Hence, it is clear from the above that the apprehension of the petitioner that his land is being acquired without notice to him and handed over to Electricity Department for purpose of construction of sub-station is factually found to be incorrect and alienation proceedings relate to some other land and not with respect to the land of the petitioner. In my view, nothing further survives in the writ petition.

9. So far as dispute relating to the title of the petitioner,
as asserted by the petitioner and as disputed by the fourth respondent, is concerned, the same is beyond the scope of this writ petition, as the relative dispute of title is not put in issue except to the extent of the proceedings initiated against the land of the petitioner for the purpose of construction of sub-station by respondents 7 and 8. Since the relevant para of the counter affidavit, as extracted above, clarifies that aspect, the issue regarding relative title is kept open and not adjudicated upon as it is beyond the scope of the writ petition. Consequently, since the land of the petitioner is not proceeded against no further orders are required to be passed in the writ petition.

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

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VILAS V. AFZULPURKAR, J

October 7, 2015

DSK