

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION NO.9962 of 2016**

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Between:

1. Shaik Abdul Wadood and others.

PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary, Irrigation Department, Telangana Secretariat, Saifabad, Hyderabad, and others.

RESPONDENTS

**ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Irrigation for respondents 1 & 3 and learned Government Pleader for Revenue for respondent Nos.2, 4 & 5.

The 1<sup>st</sup> petitioner is the absolute owner and possessor of agricultural land admeasuring Ac.6.19 gts situated in Sy.No.1, Ac.1.13 gts in Sy.No.6, and Ac.0.28 in Sy.No.11, totaling to Ac.8.20 gts; 2<sup>nd</sup> petitioner owns Ac.8.20 gts in Sy.No.11; 3<sup>rd</sup> petitioner owns Ac.0.3 gts in Sy.No.11, Ac.2.1 gts in Sy.No.14, Ac.0.30 gts in Sy.No.15, Ac.1.10 gts in Sy.No.60 and Ac.4.16 gts in Sy.No.17 in total Ac.8.20 gts; 4<sup>th</sup> petitioner is the owner of Ac.2.23 gts in Sy.No.17, Ac.2.01 gts in Sy.No.18, Ac.0.21 gts in Sy.No.19 and Ac.4.00 gts in Sy.No.17 in total Ac.9.05 gts; all are situated at Duggapur Village, Peddemul Mandal, Ranga Reddy District vide registered sale deed dated 10.07.2006 registered at Sub-Registrar Office at Tandur, Ranga Reddy District, and since then they have been in possession and enjoyment of the said properties by cultivating the same. While so, on 28.02.2016 respondent Nos.3 to 5 brought some material to construct a Talabkatta for the purpose of water storage, encroaching the lands of the petitioners on the southern side of the petitioners' properties without there being any survey or demarcation of the land. Aggrieved by the action of the respondents in interfering with their peaceful possession and enjoyment of the above mentioned properties without acquiring the same and without paying any compensation to them, the petitioners filed the present writ petition.

On consideration of the material placed before this Court showing prima facie title in favour of the petitioners, I am of the opinion that any interference by the respondents with the properties of the

petitioners would be in violation of Article 300-A of the Constitution of India.

In that view of the matter, if the land of the petitioners is required for the purpose of construction of Talabkatta or formation of storage tank, the respondents are at liberty to acquire the same as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by paying compensation to the petitioners. However, this order shall not be construed as a restraint placed on the State for acquiring the land by initiating proceedings under the Land Acquisition Act, if the land is needed for public purpose.

With the above directions, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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**CHALLA KODANDA RAM, J.**

29<sup>th</sup> March, 2016  
Js.