

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 28172 of 2017

Date: 23.08.2017

Between:

Valleboina Venkata Ramesh and another.

.. Petitioners

AND

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

.. Respondents

The Court made the following:



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ORDER:

It is the case of petitioners that they are owners of land to an extent of Ac.0.32 guntas and Ac.0.35 guntas respectively situated in Survey No.51 of Edulapuram Village, Khammam Rural Mandal, Khammam District. They claim to be in possession and enjoyment of the said land since 1965. They allege that based on the application received from Telangana State Wakf Board stating that petitioners are in occupation of land to an extent of Ac.0.02 guntas in Survey No.51 belonging to graveyard of Wakf Board, Village Revenue Officer, Edulapuram Village, is calling petitioners over phones and pressurizing them to handover said land to respondents 6 and 7 and to appear for survey. It is further case of petitioners that no prior notice in writing is issued to them and no process in accordance with law is initiated but, orally, through telephone calls, Village Revenue Officer, Edulapuram Village, is asking them to attend survey. Hence, this writ petition.

Heard learned counsel for petitioners, learned Standing Counsel for Telangana State Wakf Board and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioners submits that when petitioners are in possession and enjoyment of subject land, no survey of their land can be conducted without following due process of law and that the claim of Wakf Board that petitioners are in unauthorized occupation of the land belonging to it, is illegal.

Learned Standing Counsel for Wakf Board, on written instructions, submits that Wakf Board has got sufficient material to show that the land belonging to it is in occupation of petitioners illegally and therefore, they

requested the Revenue Officials to conduct survey and redeliver possession of land belonging to it to the Wakf Board.

As noted above, the controversy appears to be with regard to occupation of land and to ascertain the extent of land held by petitioners' vis-à-vis Wakf Board, a survey is sought to be conducted. Apparently, no notice in writing is issued to petitioners as a response to the request of Wakf Board for conducting survey and identification of boundaries. If that is so, no Revenue Officer, whatever may be his status and rank can orally direct petitioners to appear for survey without initiating process in accordance with law. Village Revenue Officer is wholly incompetent to issue such directions.

All learned counsel agree that due process can be initiated to conduct survey and that petitioners shall cooperate if and when due process is set in motion.

In the circumstances, the writ petition is disposed of granting liberty to the Wakf Board to make a request to Mandal Revenue Officer concerned to conduct survey. As and when such a request is made, Mandal Revenue Officer shall initiate process of conducting survey in accordance with law, put petitioners on notice and shall afford an opportunity to them. Petitioners shall cooperate if and when due process is set in motion. Until due process is set in motion, no coercive action shall be taken against petitioners. There shall be no order as to costs. The Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 23.08.2017
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