

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.34011 OF 2017

Dated:12.10.2017

Between:

Gujja Laxminarayana, S/o. Late Gundaiah,
Aged about 65 years, Occ: Retd Employee,
H.No.13-1-28, Babu Camp, Bellampally,
Mancherial District and another

.. Petitioners

And

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

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioners allege that they are the joint owners and possessors of land to an extent of Ac.0.34 guntas in Survey No.170 (Old Survey No.276) of Budhakalan Village, Bellampally Mandal, Mancherla District. According to petitioners, they inherited the said land from their father, Gujja Gundaiah, who purchased the same in the year 1971-72. Earlier, petitioners filed W.P.No.11537 of 2017 seeking mutation of their names in the revenue records. The Court disposed of the said Writ Petition on 03.04.2017 granting liberty to the petitioners to make an application for mutation in accordance with the prescribed procedure in Form VI-A and if such an application is filed, the same shall be disposed of.

3. This Writ Petition is filed alleging that the 2nd respondent is inducting unofficial respondents into the possession in the name of Indiramma Housing Scheme in the private patta lands of the petitioners and the same is illegal.

4. Learned counsel for the petitioners submits that illegally pattas were sought to be granted on private land and in the guise, unofficial respondents are trying to interfere with the possession of petitioners on the subject land and encroaching into the land to dispossess the petitioners.

5. Along with the Writ Petition, petitioners filed representations dated 11.09.2017, 25.09.2017 and 20.03.2017. Though the representations are not clearly worded, a reading of Telugu representations would show that a person, by name, Badikala Samuel is trying to occupy the land by fencing it and sought intervention of the Tahsildar against levelling the land and trying to erect pillars. In the representation dated 20.03.2017, a request was made by the petitioners to conduct re-survey by stating that the land in Survey No.276 is now shown in Survey No.170 and therefore to conduct re-survey and issue pattadar passbooks.

6. The material on record would disclose that there appears to be some kind of dispute between petitioners and the unofficial respondents. If, according to petitioners, the property is owned by them and illegally the unofficial respondents are trying to interfere with their possession, the petitioners have to work out their remedies as available in law. No material is brought on record to show that assignments are made in favour of the unofficial respondents by the Government. It cannot be expected that the Government would act in such a manner to grant house site pattas on a private land without following due process of law. Thus, in the guise of making allegations against the official respondents, petitioners cannot invoke the jurisdiction of a writ Court to resolve the dispute between private persons.

7. The Writ Petition is accordingly disposed of leaving it open to the petitioners to work out their remedies against the alleged

occupation by the private respondents. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:12.10.2017

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