

**HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.34457 OF 2017**

**DATED: 16.10.2017**

Between:

Chitti Reddy Ram Reddy

.. Petitioner

And

The State of Telangana

And four others

.. Respondents



**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.34457 OF 2017**

**ORDER:**

Petitioner claims to be the owner and in possession of land to an extent of Ac.28.13 gunats in various survey numbers as mentioned in paragraph no.3 of the affidavit filed in support of the writ petition and obtained licence to undertake quarry operations and stone crushing activity. In addition to the private lands owned by him, he also obtained lease of Government land and licence to undertake stone crushing from the authorities concerned. While so, it is alleged that survey was conducted by the Tahsildar behind the back of petitioner and authorities hold that some portion of land, which is in occupation by petitioner is Government land and authorities are trying to disturb possession and enjoyment of the property and affect the quarry operations illegally. Alleging that such illegal actions are sought to be taken at the instance of third parties, who are inimical to the petitioner, representation was made on 09.10.2017 to the District Collector, the Joint Collector, the Revenue Divisional Officer and the Tahsildar. As the representation has not been considered so far, this writ petition is filed.

2. The averments made in the affidavit filed in support of the writ petition and the material on record would disclose that petitioner claims as owner of the lands mentioned in paragraph no.3 of the affidavit, whereas it appears that revenue authorities seem to have identified a portion of land in occupation of petitioner as belonging to the Government.

3. Learned counsel for petitioner has made extensive submissions. He contends that such assessment by revenue authorities is illegal as the title documents and the revenue records would disclose that entire extent of land mentioned in paragraph no.3 of the affidavit is private land and, therefore, there cannot be any interference with the petitioner's possession and enjoyment of the private property and quarrying operations cannot be stopped when valid licence is subsisting.

4. From the assessment of what is alleged by petitioner, this is a premature litigation based on the apprehension that revenue authorities are likely to interfere in the alleged possession and enjoyment of the private property owned by him without following due process of law.

5. As noted above, in the representation made on 09.10.2017, for the first time allegation of interference was made.

6. Having regard to the facts noted above, this Court is not inclined to entertain the writ petition. It cannot be said that revenue authorities are negligent in acting at the higher level upon the representation made only on 09.10.2017. It cannot be expected that revenue authorities would not follow the procedure as required under law before taking any action as alleged in the writ petition to make the petitioner rush to this Court invoking extraordinary jurisdiction under Article 226 of the Constitution of India. As of now, no adverse decision is taken against the petitioner nor even a notice is issued to the petitioner. Therefore, this writ petition is premature and it appears to be a preemptive

litigation to stop the authorities from taking action in according with law to protect the public properties.

7. Hence, writ petition is dismissed as premature, granting liberty to petitioner to avail appropriate remedies as may be available to him under law as and when cause of action arises. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand disposed of as infructuous.

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**JUSTICE P.NAVEEN RAO**

Date: 16.10.2017

*Note:*

*Issue C.C. in three days.*

*( B/o)  
Bcj/kkm*

