

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.2717 of 2018

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondent Nos.1 and 2, Sri Siddardha Sharma, learned Standing Counsel, and Sri P.Radhi Reddy, learned Standing Counsel, respectively, for respondent Nos.3 and 4 from the oral instructions, and written instructions submitted by learned Government Pleader for Revenue and perused the prayer in the writ petition with supporting affidavit and other material on record including the written instructions with a copy of sketch.

2. The prayer in the writ petition reads as follows:

“.....to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities in proceeding with the Metro Rail work in the land belonging to the petitioners in an extent of Ac.0.20 gts. in Sy.No.85 situated at Bagh Lingampally Village, Himayathnagar Mandal, Hyderabad (adjacent to Narayanguda Bridge) without following the procedure contemplated under law particularly The Right to Fair Compensation and Transparency in Land Resettlement Act, 2013, as illegal, arbitrary, violative of fundamental rights guaranteed under Article 14, 21 and the right to property under Art.300-A of the Constitution of India and consequently direct the respondents not to proceed with the work in an extent of Ac.0.20 gts. in Sy.No.85 situated at Bagh Lingampally Village, Himayat Nagar Mandal, Hyderabad without following the due process of Law and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

3. It is the supporting affidavit averment of the writ petitioner to the said prayer that though the petitioners are the absolute owners and in possession of the land of Ac.0.31 gts. each in Sy.Nos.83 and 84, Ac.0.20 gts. in Sy.No.85 and also Ac.1.05 gts. and Ac.0.25 gts. respectively in Sy.Nos.86 and 87 of Bagh Lingampally Village, adjacent to Narayanaguda Bridge, which is ancestral, standing in the name of their ancestors Sri M. Uday Singh and Sri Ratan Singh, also in the revenue records, leave apart earlier GHMC acquired part of the land in 1967 from Sy.Nos.86 and 87 and Uday Singh also filed O.S.No.39 of 1967 for damages for that part of the land occupied covered by decree, dated 13.02.1969. Respondent No.4, for the on going Metro Rail works, without notice and without acquisition, taking law to their hands and proceeding to interfere with the petitioners' property, thereby to be restrained, as they are unheeding even to the notice issued, dated 22.12.2017. The sum and substance of submission from the written instructions of the learned Government Pleader for Revenue are that the petitioners claiming land in Sy.No.85 and Hyderabad District town Survey is in operation, village records are not up dated right from 1985 and the ROR Act is not applicable and the land cannot be determined through pahanies and town survey being conducted not only for demarcation but also determination of the boundaries and classification from the Record of Measurements, etc., and as per the town survey so far conducted, lands are identified through town survey numbers and not with old survey numbers and the claim of the petitioners is based on old survey numbers and the

area of the Metro pillars laid identified by Mandal Surveyor as falls in TS No.47, Block-A, Ward No.190 of Lingampally as “Abadi Lingampally” and Column No.20 as “G-Nala” and Column No.23 as “Lingampally Nala”, the total extent of TS No. is 11312.00 sq. meters and as per TSLR record, there is no correlation to the old survey number and on ground TS No.47, Block-A, Ward No.190 of Bagh Lingampally is existing as “surplus Nala” and the writ petition is thereby devoid of merits.

4. In fact a perusal of the writ petition averments particularly paras 3 to 6 clearly show earlier litigation even with reference to the revenue records and there is also a civil suit in O.S.No.39 of 1967 in ordering damages for part of the property acquired from the old Sy.Nos.86 and 87, leave about filing of W.P.No.11140 of 2011 and its disposal directing GHMC and revenue officials to follow due process of law for the threatened interference.

5. Having regard to the above, there is once *prima facie* entitlement from the writ petition for the properties covered by Sy.Nos.83 to 87 supra, respectively by the petitioners from the writ petition averments with supporting documents in this regard, it is the respondents to conduct a joint survey in the presence of the petitioners and identify the property with reference to the TSLR and also the faisal patti register, revenue pahaies and kasra pahany and any other permanent revenue records, within four weeks from the date of receipt of a copy of this order and give a copy of the said report to the

petitioners also. Further grievance of the petitioners, if any, are left open.

6. With the above direction, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

6th February 2018

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