

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34919 OF 2016

DATED :12.03.2018

Between :

The President,
Human Rights Forum,
Medak District Unit, Telangana State
Through T.Samuel S/o.Venkaiah,
Aged about 40 yrs, R/o.Perur,
Medak District, Telangana State & others.

.. Petitioners

And

The State of Telangana,
Department of Revenue,
Secretariat, Saifabad, Hyderabad
Rep., by Principal Secretary & others.

... Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government pleader for Revenue for respondents 1 to 5, Sri L.Prabhakar Reddy, learned counsel for the 6th respondent and learned Standing counsel for the 7th respondent. With their consent the writ petition is disposed of finally.

2. The 1st petitioner is Secretary and 2nd petitioner is the General Secretary of Human Rights Forum, Medak District. Petitioners 3 and 4 are residents of Haveli Ghanpur village, Medak District. According to petitioners the land to an extent of Ac.1-18 guntas in Sy.No.484/1 has been used for decades by the villagers to conduct weekly markets (Angadi), whereas, the revenue authorities erroneously recorded this extent of land as patta land of 6th respondent. Against the entries made by the Tahsildar in revenue records, representations were made before the Revenue Divisional Officer (RDO), Medak on 07.06.2014, 23.06.2014 and 07.10.2014. The RDO, enquired into the matter and by his order dated 11.11.2014 affirmed the decision of Tahsildar in reflecting the land claimed by the petitioners as patta land belonging to the family of 6th respondent. Aggrieved thereby 1st and 2nd petitioners preferred revision before the Joint Collector, Medak at Sangareddy. The Joint Collector, by his order dated 11.08.2016 affirmed the decision of RDO and rejected the revision. Aggrieved thereby this writ petition is filed.

3. This Court by order dated 18.10.2016 while ordering notice before admission directed maintenance of status quo, with regard to possession, construction and change of topography in respect of land to an extent of Ac.1-02 guntas described as Khali Jaga and Ac.1-18 guntas described as Angadi Bazar in Khasra Pahani, situated in Sy.No.484 of Haveli Ghanpur .

4. Praying to vacate the said interim order, I.A.No.01 of 2017 (WVMP.No.514 of 2017) is filed.

5. Learned counsel for the petitioners fairly submits that though in the prayer petitioners have also stated that land to an extent of Ac.1-02 guntas does not belong to the 6th respondent the claim of the petitioners is only with reference to Ac.1-18 guntas where, according to petitioners, weekly bazaar is conducted from time immemorial. This statement of learned counsel for the petitioners is accepted and taken on record.

6. The only issue for consideration is whether, weekly bazaar is conducted in the subject land from time immemorial and therefore, the unofficial respondents cannot claim as owners and pattedars of the subject land, and reflection of status of the property as patta land in the revenue record as affirmed by the RDO and Joint Collector is erroneous?

7. After hearing learned counsels extensively, the Court directed the Gram Panchayat to inform the Court whether Angadi is conducted in subject land.

8. The Panchayat Secretary, Haveli Ghanpur Village, filed counter affidavit deposed on 04.02.2018. There is categorical denial by the Gram Panchayat on conducting of weekly bazaar in

the land of 6th respondent. It is further asserted that on every Tuesday the farmers sell their vegetables and other provisions sitting on the Gram Panchayat road margin abutting land of 6th respondent in Sy.No.484. It is further averred that Gram Panchayat never collected any fee from the vegetable vendors.

9. Having regard to this assertion of Gram Panchayat, and in view of the orders of revenue authorities, learned counsel for the petitioners fairly submits that the plea raised by the petitioners is no more subsisting and seeks leave of the Court to prosecute their remedies as available in law against the claim of 6th respondent about the ownership of subject land in Sy.No.484 in appropriate proceedings.

10. Recording the said submission and leaving it open to petitioners to work out their remedies as available in law, on the issue of title and ownership of 6th respondent, on land in Sy.No.484 of Haveli Ghanpur, the writ petition is dismissed. The interim order granted on 18.10.2016 stands vacated. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

12th March, 2018
Rds

P.NAVEEN RAO,J