

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.4308 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, to declare the action of the respondents in digging the land of the petitioner in Sy.No.682/A in an extent of Ac.4-07 gts situated at Shamirpet Village and Mandal, Ranga Reddy District, for laying the pipeline without issuing any notice, as illegal, arbitrary, contrary to law and violative of principles of natural justice.

It is the case of the petitioner that, the petitioner is the absolute owner and possessor of the land in Sy.No.682/A in an extent of Ac.4-07 gts situated at Shamirpet Village and Mandal, Ranga Reddy District. Originally the land in Sy.No.682/A in an extent of Ac.8-14 gts and the land in sy.No.410/B in an extet of Ac.2-30 gts are his ancestral properties. Father of this petitioner, being head of the family, obtained pattedar passbooks and title deed books vide No.42346 in the year 1998 and petitioner's family was in continuous possession and enjoyment of the same. While the matter stood thus, the petitioner's father partitioned the property and subsequently, a partition deed was executed between the petitioner, his father and the petitioner's brother vide registered Partition Deed No.3191/2015 dated 01.10.2015 and by virtue of the registered partition deed, the petitioner got an extent of Ac.4-07 gts in Sy.No.682/A and an extent of Ac.1-15 gts in

Sy.No.410/B and thus, the petitioner became the absolute owner of the above referred property.

It is submitted that, on 05.02.2016, some unknown persons started laying pipeline through the land of this petitioner. When the same was objected by this petitioner, it was informed that the pipeline is being laid for Mission Bhagiratha Project and the said pipeline can be laid without obtaining permission of the petitioner and without issuing any proceedings. Therefore, laying pipeline, by causing damage to the land of the petitioner is illegal.

Learned counsel for the petitioner reiterated the contentions raised in the writ petition, while the learned Government Pleader for Revenue (Telangana) contended that, they are laying pipeline for Mission Bhagiratha Project and they did not cause any damage to the land of this petitioner, as the pipeline is an underground pipeline and prayed to dismiss the petition.

It is an undisputed fact that the petitioner became owner of the property by virtue of partition deed No.3191/2015 dated 01.10.2015, and the land of an extent of Ac.4-07 gts in Sy.No.682/A and an extent of Ac.1-15 gts in Sy.No.410/B was allotted to this petitioner and the government also did not dispute the ownership of the petitioner. However, admitted that they proposed to lay pipeline for Mission Bhagiratha Project, a drinking water scheme for the benefit of the public. It is also admitted that, no proceedings were issued for laying pipeline through the land of the petitioner. The photographs were filed along with the petition disclosed that the respondents dug the land of this petitioner extensively for laying pipeline, as a part of Mission Bhagiratha

Drinking water scheme and such laying of pipeline would cause immense damage to the land of this petitioner, though it is an underground pipeline. Even if the respondents intend to lay pipeline in the land of the petitioner, they have to follow necessary procedure and obtain permission of this petitioner for laying pipeline. But, no such permission was obtained in the instant case. Therefore, laying such underground pipeline though the land of this petitioner, causing extensive damage to his land is illegal. Hence, the action of the respondents is declared arbitrary and illegal and they are restrained from laying underground pipeline without following due process of law. If, for any reason, laying of pipeline is completed before passing the order, the petitioner is at liberty to claim damages in Civil Court.

With the above, writ petition is allowed.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:26.04.2018

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