

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 21852 of 2007

ORDER:

This writ petition is filed to declare the action of the respondents in laying road in the petitioner's house plot in Sy.No.439 admeasuring an extent of 309 square yards, situated at Bhoopalpally village, Warangal District without initiating any proceedings under Land Acquisition Act, as illegal and arbitrary.

The case of the petitioner is that he purchased a house plot admeasuring an extent of 305 sq. yards in Sy.No.439, situated at Bhoopalpally village and Mandal, Warangal District from one Thikka Durgaiah by way of registered sale deed, dated 8.7.1996; in the first week of June, 2007, the second respondent Gram Panchayat had dug a trench in the said plot and filled with gravel; on enquiry, the petitioner came to know that the officials of the 2nd respondent are going to lay road in his plot; the second respondent without initiating any proceedings and without paying any compensation under the Land Acquisition Act, high handedly has taken possession of the land and laid road.

Counter affidavit has been filed by the first respondent denying the title of the petitioner over the said plot. It is stated that the petitioner did not state anything in his affidavit with regard to the source of title to his vendor Thikka Durgaiah; the road was laid by the then Nagara Panchayat in the year 2007 itself through the land in Sy.No.439 of Bhupalapally village which is a Government land; Pahanies of the years from 2001-02 to 2016-17 are filed to show that the land in Sy.No.439 of Bhupalapally village is in possession of the Government; the report of the Tahsildar, Bhupalpally, dated 22.04.2018 was prepared after the field verification and it is reported that the land in Sy.No.439 is comprising of total extent of Acs. 3.34 gts., out of which an extent of Acs.3.04 gts., belongs to Government Ceiling Surplus Land; thus, there is no such land existing on the ground for which the writ petitioner is making claim; and that CC road was laid about ten years back in the said land.

The second respondent also filed his counter affidavit stating that there is an existing road on the said land; the petitioner in collusion with his vendor brought into existence false registered sale deed over the land in Sy.No.439 of Bhupalapally village; and that the petitioner does not have any right over the said land in Sy.No.439.

No reply affidavit has been filed denying the averments of the counter affidavits filed by the respondents 1 and 2.

Heard the learned counsel for the petitioner, the learned Government Pleader for the first respondent and Mr. N.Praveen Kumar, Standing Counsel for the 2nd respondent.

The petitioner in the affidavit filed along with the writ petition did not state anything with regard to his source of title to the land, except saying that he purchased the said land from Thikka Durgaiah by way of registered sale deed dated 8.7.1996. In the counter affidavit filed by the first respondent, it is stated that the said land in Sy.No.439 belongs to the Government and that the road was laid by the then Nagarpanchayat in the year 2007 itself, which is a Government land. The first respondent also filed pahanies for the years from 2001-02 to 2016-17 to show that the land in Sy.No.439 of Bhupalapally village is in possession of the Government. The Tahasildar, Bhupalapally prepared a report on 22.4.2018 after verification stating that the land in Sy.No.439 is comprising of a total extent of Acres. 3.34 gts., out of which an extent of Ac. 3.04 gts., belongs to the Government Ceiling Surplus Land and the land admeasuring an extent of Acs. 0.30 gts., is recorded in the name of Singareni Colliery Company Limited. Thus,

there is no such land existing on ground for which writ petitioner is making a claim. It is categorically stated in the counter affidavit that the C.C. road was laid about ten years back on the said land.

Basing on the copies of the adangal and pahanies filed by the first respondent, I am of the opinion that the said land is a Government land, except part of it belongs to Singareni Colliery Company Limited. The report of the Tahsildar addressed to the District Collector on 22.4.2018 also categorically shows that the land an extent of Acres. 3.34 gts., in Sy.No.439 stands in the name of the Government and out of which an extent of Acs. 3.04 gts., belongs to Government Ceiling Surplus land and out of Acs. 03-34 gts., to an extent of 0-30 gts., of land is in the name of Singareni Colliery Company Limited.

In view of the facts and circumstances stated above, the writ petition fails and it is accordingly dismissed.

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

KONGARA VIJAYA LAKSHMI, J

Date: 17.7.2018

slk

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI



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Dated 17.7.2018

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