

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40507 OF 2018

DATED :19.11.2018

Between :

Bantu Venkatesh S/o.Late B.Pochaiah,
Aged 45 yrs, Occu : Agriculture,
R/o.H.No.641, Korremula (Vill),
Ghatkesar (Mandal), Medchal-Malkajgiri District & others.
.. Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Panchayat Raj & Rural Development Department,
Secretariat Buildings, Saifabad,
Hyderabad & others.
.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40507 OF 2018

ORDER :

Heard learned counsel for the petitioners, learned Government pleader for Panchayat Raj for respondents 1 and 2 and Sri G.Narender Reddy, learned Standing counsel for respondents 3 and 4.

2. Petitioners claim that each of them were assigned small pieces of land, cumulatively Ac.11.32 guntas in Sy.No.869 of Chowdariguda Village, Ghatkesar Mandal, Medchal Malkajgiri District. Petitioners allege that the respondent-Gram Panchayat is interfering with their peaceful possession and enjoyment of their lands without following the due process.

3. According to petitioners, earlier there was an attempt made to dispossess them. Aggrieved thereby they filed O.S.No.194 of 2003 on the file of I-Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, Hyderabad, and the suit was decreed in their favour on 31.01.2007. Aggrieved thereby, A.S.No.96 of 2007 on the file of V Additional District Judge, Ranga Reddy District at L.B.Nagar, preferred by the defendants in the suit, was dismissed. In terms thereof, petitioners are entitled to enjoy the property and cultivate the subject lands. While so, the Gram Panchayat is now trying to dig pits and put stones for the purpose of construction of dumping yard and in such an event grave prejudice would be caused to the petitioners.

4. Except for the decrees granted by the trial Court and the Appellate Court and few pleadings, no other material is placed on record to show that the respondent-Gram Panchayat is trying to interfere with the possession and enjoyment of petitioners' property and without following due process, the dumping yard is being constructed.

5. In the absence of any material to support their contention, no relief as sought for can be granted at this stage.

6. Learned Standing counsel, on instructions, submits that the lands claimed by the petitioners as belonging to them in Sy.No.869 is not being utilized for construction of dumping yard. The dumping yard is proposed in an open area and identified in a layout but not in Sy.No.869.

7. Having regard to the above, the Writ Petition is disposed of granting liberty to petitioners to avail appropriate remedy, if petitioners contend that the decree granted in their favour is violated by the defendants therein and they are sought to be dispossessed without following the due process. Pending miscellaneous petitions shall stand closed.

19th November, 2018
Rds

P.NAVEEN RAO,J