

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.6192 of 2019

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondents 1 to 4 and learned Government Pleader for Medical and Health for respondents 5 and 6.

2. The petitioner asserts that he is the owner and possessor of the land to an extent of Ac.3.05 gts in Sy.No.287/69, situated at Gummudur Village, Mahabubabad Mandal and District. His grievance is that the said land is proposed to be acquired for the purpose of construction of District Headquarters Hospital and the respondents are trying to erect the boundary stones in his land. In those circumstances, he filed this writ petition to direct the respondents not to interfere with his possession over the subject land without following the procedure prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

3. Learned Government Pleader for Revenue has placed on record the written instructions by way of letter dated 23.03.2019.

The contents of the said instructions read as under:

“In this regard, it is to submit that as per the revenue records Sy.No.287 was a Government land admeasuring to an extent of Ac.838.12 gts and classified as ‘Bancharai’. It is further submitted that having been subdivided into various subdivisions as per supplementary sethwar i.e., 287/1 to 287/279, among the said subdivision survey numbers 287/1 to an extent of Ac.22.01 gts reserved to utilize the same for the Government land purpose.

It is further submitted that, in the instant case, the Government land situated in Sy.No.287 of Gummudur Village of Mahabubabad Mandal specifically covering Government land situated in Sy.No.287/1 has been identified to propose for construction of hospital in order to provide health facilities and also to facilitate emergency needs of the people of Mahabubabad District.

In view of the above, it is to submit that, as mentioned by the petitioner that the revenue officials acquiring the land of the petitioner situated in Sy.No.287/69 to an extent of Ac.3.05 gts of Gummudur (V) of Mahabubabad Mandal is not correct and baseless, as it is evident from the subdivisions of Sy.No.287 identified by the Mandal Surveyor, Mahabubabad, the proposed site for construction of hospital covering in Sy.No.287/1 to an extent of Ac.22.01 gts of Gummudur Village and Mahabubabad Mandal and petitioner claiming it as his land situated in Sy.No.287/69 to an extent of Ac.3.05 gts of Gummudur Village of Mahabubabad Mandal even though it is situated far away from the proposed site(copy enclosed).

Hence, the pleadings which were made by the writ petitioner for the interference of the Hon'ble High Court, Telangana, Hyderabad, are not correct and which are made without any evidence."

4. In the light of the aforesaid instructions, it is evident that the Government is not proposing to acquire the land of the petitioner, however, the assertion of the respondents is that only a part of the land to an extent of Acs.22.01 gts in Sy.No.287/1 is proposed to be acquired. Therefore, it is clear that the land of the petitioner is not under acquisition. However, in the process of taking possession of the land acquired, on account of the vast extent of the land available in Sy.No.287/1, as admitted by the respondents themselves, there may be some element of confusion and overlapping with regard to identification of the property acquired. Though the learned Government Pleader for Revenue states that the land acquired is far away from the land of the petitioner, as the respondents have alleged to have erected boundary stones in the petitioner's land,

before taking possession of any land nearer to the petitioner's land, respondents shall issue notice to the petitioner to be present during the process of taking possession to avoid unnecessary confusion.

5. Subject to the above, the Writ Petition is disposed of. No order as to costs.

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

CHALLA KODANDA RAM, J

26th March, 2019

sj

