

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.13214 & 13251 OF 2019

Date: 02.07.2019

W.P.No.1 3214 of 2019:

Between:

Nawab Mohammed Ghazi Uddin Khan,
s/o. late Sri Nawab Moinud-Dowla Bahadur
Mari-E-Paigah asmanjahi, Aged about 80 years,
Occu: Agriculture, r/o. H.No.621, Zarina Zaar,
Road No.12, Banjara Hills, Hyderabad, through
His General power of Attorneys and others.

.....Petitioners

and

The State of Telangana, rep.by its Prl.Secretary,
Revenue Department, Telangana Secretariat,
Hyderabad, Telangana and others.

.....Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOS.13214 & 13251 OF 2019

COMMON ORDER:

In W.P.No.13214 of 2019, petitioners claim that 1st petitioner owned land to an extent of Ac.50.26 guntas in Sy.No.302, and Ac.26.26 guntas in Sy.No.303 of Muqueembagh village, Zaheerabad Mandal, Sanga Reddy district. According to petitioners, in the revenue records the said land was wrongly reflected as forest land and the same should be rectified and the name of 1st petitioner alone should be reflected in the revenue records as he is the owner and pattadar of the said land. Petitioners further assert that in the pahani patrikas from 1954-55 to 1984-85, name of 1st petitioner was reflected and later on, the same is illegally changed. Curious about the deletion of name of 1st petitioner and describing the above land as forest land, petitioners sought information under the Right to Information Act, but the competent authority has given vague reply referring to gazette publications earlier made. Even assuming that land is declared as forest land, without paying compensation, possession cannot be disturbed. It is thus asserted that the question of treating the land as forest land depriving the petitioners to enjoy the said land is *ex facie* illegal.

2. In W.P.No.13251 of 2019, petitioners are praying to direct the respondents to pay compensation on land of petitioners to an extent of Ac.3.26 guntas, forming part of Sy.No.302 of above said village.

3. Material placed on record itself would disclose that on 01.07.1965, notification was published regarding acquisition of Ac.672.00 guntas of land in Zaheerabad as forest block. It includes patta land in Sy.Nos.311 and 312 and other survey numbers of this village. This notification is traceable to Section 19 of the Hyderabad Forest Act, 1355F, later renamed as A.P.Forest Act, 1355F. This is a final notification after following due process. Reading of the notification would also show that compensation was already paid.

4. Learned counsel for petitioner sought to deny the payment of compensation and seeks proof of such payment. The said contention cannot be appreciated. Apparently, notification was issued on 01.07.1965. No objections stated to have been filed about denial of compensation. Even according to the petitioners, name of the 1st petitioner was reflected in pahani patrika upto the year 1984-85, but thereafter his name is not reflected in the revenue records. No endeavour is made to ascertain why his name was deleted from the revenue records. It cannot be expected from the authorities to show proof of payment of compensation at this distance of time, as it relates to the year 1965. Even assuming that what is contended by the learned counsel for petitioners is true, and that no compensation was paid, at this stage, it cannot be said that the declaration given by the respondent authorities on 01.07.1965 treating the land as forest land, as illegal and the relief sought by the petitioners to rectify the revenue records and to include the name of 1st petitioner in the revenue records cannot be granted. It is also appropriate to note at this stage that gazette

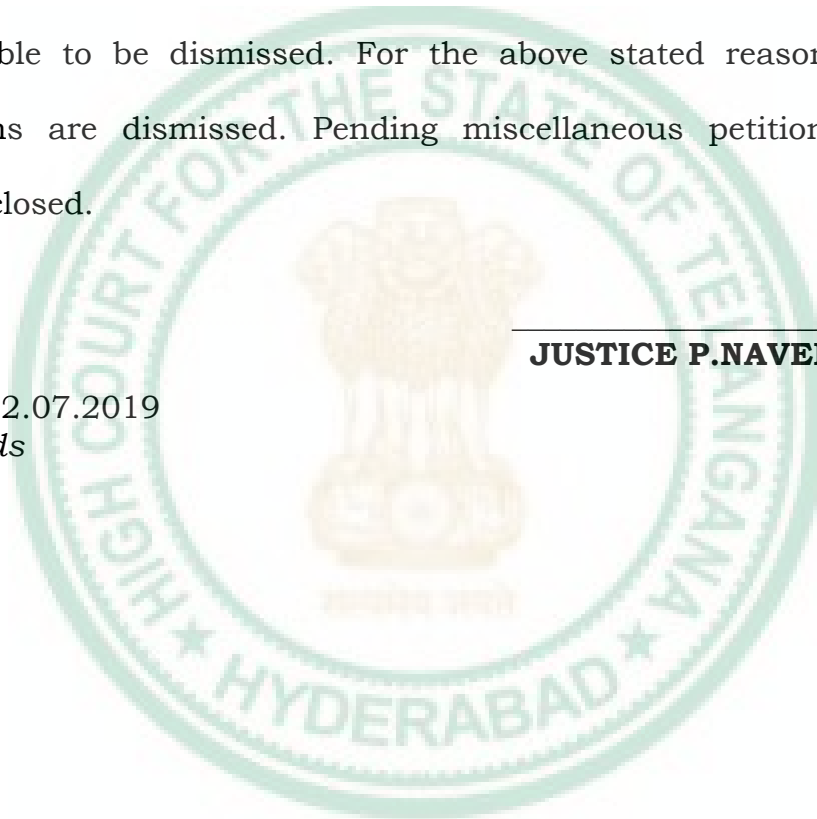
notification dated 01.07.1965 is not under challenge in these Writ Petitions.

5. Since the land was taken over long ago by the Forest Department, by following the due process, it has become forest land, the question of paying compensation to the petitioners at this stage does not arise.

6. Even assuming that the claim of petitioners is valid, on the ground of delay and laches in making the claim, the Writ Petitions are liable to be dismissed. For the above stated reasons, Writ Petitions are dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 02.07.2019
kkm/rds



HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NOS.13156 & 13251 OF 2019

Date: 02.07.2019

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