

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.18258 OF 2019

Date:23.08.2019

Between:

Bojja Krishna @ Krishna Murthy,
S/o.Late Buchaiah, Aged about 46 yrs,
Occu : Business, R/o.H.No.1-3-133/3, Road No.22,
Illandu Village and Mandal, Khammam District.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard learned counsel for petitioner, learned Government Pleader for respondents 1 to 4 and learned Standing counsel for respondent No.5.

2. Petitioner claims that he purchased 500 Square yards of open plot in Sy.No.538/1 of Mahabubabad Village in the year 2011. On verification of records, it revealed that the vendor of petitioner purchased the said plot from Bhongiri Amarnath vide registered sale deed dated 29.10.2002. The vendor of petitioner also ascertained the status of land from the revenue authorities and it was found that the land to an extent of Ac.16.20 guntas in Sy.No.538/1 is a private patta land. While so, petitioner now alleges that in his plot a board is erected in the name of Indian Red Cross Society to establish blood bank. Petitioner alleges that it being a private patta land, the authorities have no manner of right to erect the said board and the same is illegal.

3. It appears plots were formed and are sold. But no material is placed on record to show that permission for conversion of land from agriculture to non-agriculture purposes was obtained, lay out permission was obtained and lay out was formed and plots were sold. In view of the controversy, petitioner ought to have ascertained correct facts and appraised the competent authority about his claim before instituting the writ petition. Further the issue as to whether, in the guise of owning land, the developers have encroached into the adjacent government land or whether the

Government illegally erected Board on land belonging to petitioner are questions of fact and cannot be gone into in a writ petition, filed under Article 226 of the Constitution of India. This Court is not inclined to entertain the writ petition at this stage.

4. However, having regard to the claim of petitioner based on a registered sale deed of the year 2011 and tracing title of vendor of the petitioner to the year 2002 document, petitioner is granted liberty to make detailed representation to the Tahsildar, Mahabubabad Mandal-4th respondent putting forth his claim. It is also open to the petitioner to apply for conducting of survey of land in Sy.No.538/1. The Tahsildar shall consider the objections of petitioner and shall suitably inform about the position of land on which board is erected. The decision shall be taken within a period of three weeks from the date of submission of such application/representation. As and when petitioner submits application for conducting of survey, the Tahsildar shall examine the request of petitioner and if no such survey was conducted or there is no clear identification of Government land and there is possibility of overlapping of Government land with the plot claimed by the petitioner, survey be conducted and demarcate the land of Government vis-à-vis the petitioner.

5. With the above observations, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

23rd August, 2019
Rds