

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18170 OF 2019

Date:22.08.2019

Between:

Kondaveti Shantha Kumari,
W/o Papa Rao, aged about 61 years,
Occ:Agriculture R/o Badrachalam Village,
Badradri-Kothagudem District, Telangana. ... Petitioner

And

The State of Telangana,
Rep.by its Principal Secretary,
Panchayat Raj,
T.S.Secretariat, Hyderabad,
Telangana State and others. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.18170 OF 2019****ORDER:**

On 09.08.2019, the 4th respondent-Tahsildar issued A.1 notice calling for objections on the proposed acquisition of dumping yard in respect of land to an extent of Ac.5.22 guntas in Survey No.207/6 of Badrachalam Village. Earlier notice, dated 09.04.2007 was issued under Section 7 of the Land Encroachment Act, 1905 (for short, 'the Act') by the said Tahsildar classifying the said land as Government land.

2. According to the learned counsel for the petitioner, the subject land is not a Government land and it is a private land and the petitioner has been cultivating the same by raising crops. Therefore, the subject land cannot be utilized for establishment of dumping yard without following the due process as required. He further sought to contend that it is not permissible to establish the dumping yard in this manner.

3. On instructions, learned Government Pleader, would submit that the subject land belongs to Government and the petitioner is encroacher of the said land; and that appropriate steps would be taken by the authorities concerned to remove the encroachments by following the provisions of the Act.

4. Based on the submission of learned Government Pleader it appears that the petitioner is occupant of subject land. If that is so and if the Government asserts that it is a Government land and the petitioner is encroacher, appropriate steps have to be taken to

remove the encroachments, but straightway they cannot identify the land for location of the dumping yard.

5. Having regard to the submissions made by both counsel, without entering into the merits of the case, the Writ Petition is disposed of granting liberty to the respondents to take appropriate steps, as warranted by law, to remove the alleged encroachments. It is always open to the petitioner to raise all the pleas if any proceedings are initiated under the Land Encroachment Act, and it is also open to the petitioner to raise objections for location of the dumping yard, even otherwise.

6. With the above direction, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

P. NAVEEN RAO, J

AUGUST 22, 2019

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