

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19436 of 2019

ORDER:

Petitioner asserts that he is the owner of land admeasuring Acs.4.35 guntas in Survey Nos.13/A, 13/E and 13/EE of Ammagaripalli Village, Manthani Mandal, Karimnagar District; that for the last several years, his land was affected by Godavari floods; that in order to control the floods to Godavari River, respondent No.1-State of Telangana had proposed to construct Annaram Barrage for storage of back water of Godavari River in the floods; that in the process, by pumping the water from the down streams of Godavari River at Kannepalli Reservoir to Annaram Barrage, back water is being stored, as a result of which, back water stored in Annaram Barrage was flown into Manthani Village affecting the land of the petitioner, as such, there is accumulation of sand to the depth of 100 feet; that he submitted an application, dated 21.08.2019, to the respondents to pay compensation to his land and that no action has been taken so far. Hence, he filed this writ petition.

Learned counsel for the petitioner submits that with respect to de-casting the sand, the Government of Telangana has taken a policy decision *vide* G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015, and in those circumstances, she seeks a direction to the respondents to consider the claim of the petitioner.

Learned Government Pleader for Revenue appearing for the respondents submits that if the petitioner makes an application in terms of the aforesaid G.O., the same will be considered in accordance with law.

In view of the above, without expressing any opinion with regard to the right of the petitioner to receive compensation or with regard to the de-casting of sand, liberty is given to the petitioner to make an application to respondent No.2 in terms of the aforesaid G.O. and on receipt thereof, the latter shall consider the same in accordance with law.

With the above, the writ petition is disposed of.

Miscellaneous applications, if any pending, shall also stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:12.09.2019

kdl

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19726 of 2019

ORDER:

In this writ petition, petitioner challenges the Memo, dated 16.08.2019, issued by respondent No.4-Tahsildar, Abdullapurmet Mandal, Ranga Reddy District.

Petitioner asserts that he purchased land admeasuring Ac.0.20 guntas in Survey No.49 Part, situated at Pasumamula Village, Abdulpurmet Mandal, Ranga Reddy District through registered sale deed, dated 12.02.2014; that he was issued pattadar pass book; that he filed a F-line Application way back on 14.05.2018 for the purpose of undertaking survey and fixing of boundaries in the subject land; that as no steps have been taken thereon, he filed W.P.No.4063 of 2019, wherein, this Court by order, dated 27.02.2019, directed respondent No.4 to take necessary action on the F-line Application; that as the said order was not implemented, he filed C.C.No.955 of 2019, wherein this Court ordered notice to the respondents therein; that in the interregnum period, the petitioner

was issued the impugned notice stating that the survey could not be conducted on account of the fact that he is not in physical possession on the ground. Impugned Memo reads as under:

Today, learned Government Pleader for Revenue placed before this Court the letter, dated 03.08.2019, addressed by the Licenced Surveyor, Abdullapurmet Mandal to respondent No.4 along with Panchanama and location sketch.

A perusal of the letter dated 03.08.2019 discloses that the land of the petitioner is forming part of Survey No.430 and not Survey No.49 and that the land in Survey No.430 is covered by a compound wall. It may be noted that in the Panchama, the signature of the petitioner is not affixed. Assuming for argument sake, the land of the petitioner is in Survey No.430, inasmuch as the petitioner seeks survey and demarcation of the land in Survey No.49, over which there is no dispute with regard to the prima facie right of the petitioner, which is evident from the pattadar pass book issued to him, there is duty cast on the surveying authorities to identify the land in Survey No.49 Part and demarcate the same rather than rejecting the claim of the petitioner that as the land shown by him is not in Survey No.49 Part. Viewed from that angle, the impugned Memo is liable to be set aside.

In those circumstances, the writ petition is allowed and the impugned Memo is set aside. The respondents are directed to conduct survey, identify the land in Survey No.49 Part and demarcate the same.

Miscellaneous applications, if any pending, shall also stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:13.09.2019

kdl

