

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.23566 OF 2019

Date: 29.10.2019

Between:

Bashmoni Yadaiah S/o.B.Jangaiah,
Aged about 44 yrs, Occu : Advocate,
R/o.Gundala Village, Veldanda mandal,
Nagarkurnool District & others.

.....Petitioners

and

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

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION NO.23566 OF 2019****ORDER:**

Heard learned counsel for petitioners and learned Government Pleader for Revenue for respondents.

2. Petitioners claim that they are the owners of land to an extent of Ac.4-10 guntas in Sy.No.117, Ac.5-00 guntas in Sy.No.117, Ac.9-14 guntas in Sy.No.114 and Ac.7-28 guntas in Sy.No.117 and Ac.8-07 guntas in Sy.No.116 respectively of Gundala Village fields, Veldanda Mandal, Nagarkurnool District. Petitioners allege that the Tahsildar and Mandal Surveyor are threatening to dispossess them, as their lands are required to lay a road to reach to the fields of other farmers. Petitioners allege that this exercise is undertaken without following the due process and without putting the petitioners on notice, when private land is sought to be utilized for public purpose.

3. On written instructions furnished to learned Assistant Government pleader, he would submit that the contention of petitioners that road is being laid is only an apprehension and there is no such proposal. The same was also made clear to the petitioners as well as adjacent land owners. He would submit that the adjacent land owners have complained against the petitioners alleging that they are erecting fence and obstructing the way which has been in use to go to their agricultural fields. On field verification, it was found that some farmers have another way round about to reach their agricultural fields and the same was informed to petitioners and the adjacent farmers.

4. Basing on the instructions furnished and the submissions of learned Assistant Government pleader, it is apparent that though no proceedings are initiated, petitioners on apprehension instituted this writ petition as a pre-emptive litigation only to ensure that the respondent-authorities would follow proper procedure in taking possession of their lands.

5. Since it is the categorical assertion of learned Assistant Government Pleader, based on the instructions furnished to him, that as of now no such steps are being taken to lay road, the cause in the writ petition does not survive.

6. Accordingly, the Writ petition is disposed of. It is needless to observe that if the lands of private persons are required for public purpose, the authorities should follow due process as required by law. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

29th October, 2019
Rds