

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 25873 OF 2019

Date: 02.12.2019

Between:

Badavath Sitharam s/o. late Bodaka, Aged 63 years,
Occu: Agriculture, r/o. H.No.5-1-147/2, N.K.Nagar,
Badavath Thanda Panchayat, Chunchupalli Revenue
Village, Mandal and Post, Bhadradri-Kothagudem district.

....Petitioner

and

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

.....Respondents



The Court made the following:

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ORDER:

According to the petitioner, he is the absolute owner and in possession of land to an extent of Ac.1.07 guntas in Sy.No.62/2 of Chunchuopalli Revenue Village and Mandal. He was issued pattadar pass book and title deed bearing No.U187315 in Patta No.115, which was subsequently substituted by the digital passbook bearing No.T27090010080. According to the petitioner, this land is forming part of Ac.18.00 guntas in Sy.Nos.59, 60, 61 and 62 acquired by his father-Badavath Bodaka along with his five brothers by way of registered sale deed dated 13.07.1966 and subsequently, covered by the registered partition deed dated 29.02.1968. Initially, Ac.1.12 guntas of land fell to the share of the petitioner, but Government acquired Ac.0.05 guntas of land for purpose of formation of Bye-pass road, leaving with the petitioner Ac.1.07 guntas. Petitioner alleges that Government identified certain land for the purpose of dumping yard and graveyard. For these two purposes, Government intended to earmark Ac.0.10 guntas each. The Government intended to allocate Ac.0.20 guntas of land in Sy.Nos.137/1 and 137. Though the petitioner is no way concerned with Sy.Nos.137/1 and 137, the location sketch drawn for the purpose of identifying the land is the land belonging to the petitioner in Sy.No.62/2. Learned counsel for petitioner sought to contend, by placing reliance on photocopy of the village map, that the place where the present land is identified is forming part of Sy.No.62/2.

2. Petitioner enclosed location sketch at page No.20. It describes the boundaries for allotment of burial ground by showing the boundaries as: Northern side – Road, Southern side - Vagu, Eastern side – land in Sy.No.137/1 and Western side-Vagu, and for dumping yard boundaries shown as: Northern side – road, Southern side – Vagu, Eastern side – Vagu and Western side – land in Sy.No.137/1 at page no.17.

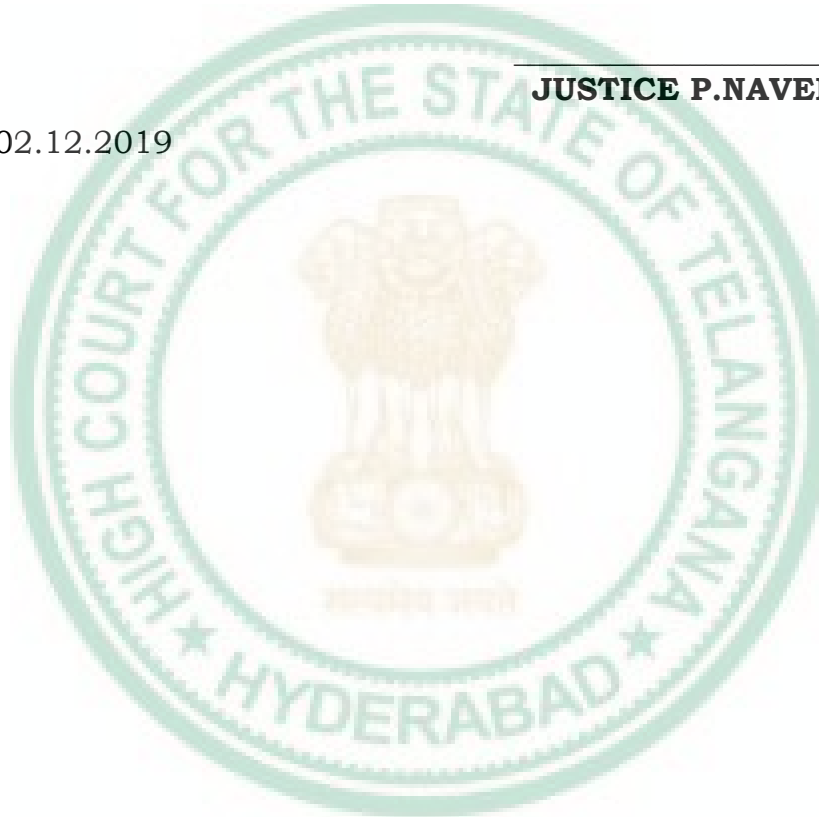
3. It is not known how the petitioner is co-relating different survey numbers identified for such allocation and survey number belonging to the petitioner land. It is seen from the material on record that petitioner has not informed the competent authority that what is identified on field is the land belonging to him and no action can be taken to utilize the land belonging to him without following due process. Further, reading of the representation dated 31.10.2019 would show that petitioner is objecting to identify the land for dumping yard and graveyard stating that the land belonging to Singareni Collieries Company Limited is being utilized as dumping yard and already there exists graveyard in the village and not to dump the waste material of Babu Camp Panchayat in the N.K.Nagar Badavath Thanda Panchayat area and to protect their land.

4. Thus, grievance of the petitioner is not clear. On the one hand, petitioner is objecting to establishment of new dumping yard and burial ground in the village for the reasons stated in his representation dated 31.10.2019, and on the other hand, he is trying to project as if his land is identified for the purpose of dumping yard and graveyard without any justification. In view of

the same, no relief can be granted in the writ petition. Further, Court cannot go into the question of fact whether the land in Sy.Nos.137 and 137/1 now identified for establishment of burial ground and dumping yard is actually the land belonging to the petitioner in Sy.No.62/2. Leaving it open to the petitioner to ventilate his grievance, if so advised, as agitated herein, before the Tahsildar by placing all the relevant material to support the claim of petitioner, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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