

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26587 OF 2019

Dated:02.12.2019

Between:

M. Harshavardhan Reddy, S/o. M. Mahpal
Reddy, aged about 50 years, Occ: Agriculture,
R/o. Nagaram Village, Vikarabad Mandal,
Ranga Reddy District

.. Petitioner

And

State of Telangana, rep., by its
Principal Secretary, Revenue,
Secretariat, Hyderabad and others

.. Respondents



This Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26587 OF 2019

ORDER:

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

2. Petitioner alleges that he purchased land to an extent of Acs.4.00 in Survey No.21/7 (new) by way of registered sale deed dated 25.02.1983. His vendors purchased the very same land by way of a registered sale deed dated 11.11.1969. At the time of registration in the year 1969, Survey No.6 was changed to Survey No.21/7. Subsequently, there is again a sub-division and now the land of the petitioner is shown as forming part of Survey No.21/20 of Kummarpalli Village, Ranga Reddy District.

3. Learned counsel for the petitioner contends that a pillar was erected on the land belonging to the petitioner and attempts are being made to use the subject land for the purpose of crematorium and the same is illegal. According to learned counsel, old Survey No.6 is abutting Survey Nos.3, 4 and 5, wherein the land to an extent of Acs.2.00 was sanctioned for crematorium purpose, but in the guise of constructing crematorium, the respondent authorities are taking away the land belonging to the petitioner.

4. Learned Government Pleader for Revenue points out that the boundaries shown in the sale deed would reflect that the land in Survey Nos.3 to 5 is not the property abutting to Survey No.6 and on the northern side - Survey No.45; southern side -

Nala; eastern side - Survey No.49 and western side – Cart Track are shown and therefore the land of the Government identified for crematorium purpose is not even adjacent to the petitioner's land.

5. However, learned counsel for the petitioner asserts that the old survey numbers are same and therefore the land is abutting the land identified for crematorium purpose.

6. Having regard to these discrepancies in survey numbers and as there is no other material to assert that there is encroachment into the land of the petitioner to establish crematorium, no relief as sought for by the petitioner can be granted. If what is contended by learned counsel for the petitioner is valid, the petitioner is permitted to make an application to the Tahsildar, Dharur Mandal, Vikarabad District, narrating all the facts supported by documents and request him to consider the issue as to whether the land in which crematorium is proposed is actually included in the land of the petitioner and if that is so, take appropriate steps in accordance with law. If such representation is made, the Tahsildar shall look into the grievance of the petitioner and furnish a suitable reply to him.

7. The Writ Petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

Date:02.12.2019

Note:- Issue C.C. in one week.

(B/o)
KH