

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26535 OF 2019

Date: 04.12.2019

Between:

Surarapu Ravinder s/o. late Venkataiah,
Aged about 29 years, occu: Agriculture,
R/o. Kommala village, Jajireddygudem
Mandal, Suryapet district and two others.

.....Petitioners

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:

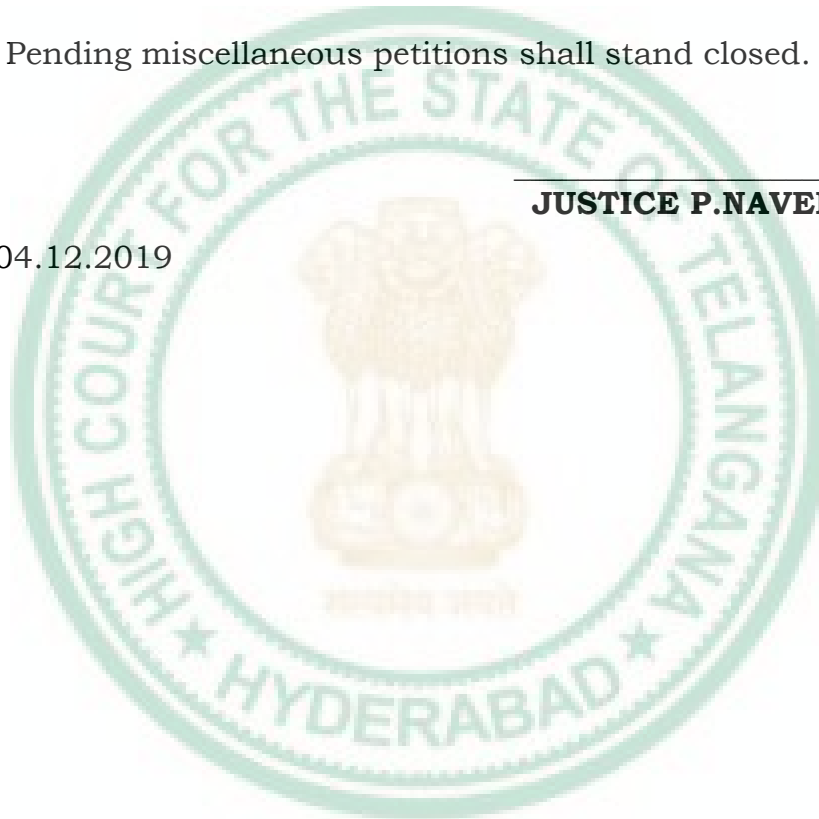
According to the petitioners, Ac.0.20 guntas of land each in Sy.No.655 of Kommala village was assigned to the fathers of petitioner 1 & 3, and the 2nd petitioner in the year 1980. After the death of fathers of petitioners 1 and 3, petitioners 1 & 3 and the 2nd petitioner have been in possession and cultivating their respective lands. They were also granted pattas. Petitioners allege that Government intended to construct a burial ground in the village and on request of the Gram Panchayat, petitioner no.1 agreed to give Ac.0.05 guntas of land for construction of burial ground and the same was accepted by the Gram Panchayat and burial ground was constructed in the year 2018. While so, petitioners now allege that the existing burial ground sought to be extended and in the process, respondents are encroaching into the land vested in the petitioners. The said decision to encroach into the land of petitioners is contrary to the decision of the Gram Panchayat earmarking Ac.0.05 guntas of land and, therefore, the same is illegal. Petitioner No.1 made representation on 23.10.2019 ventilating their grievance addressed to the Mandal Revenue Officer.

2. Based on the material placed on record, it cannot be ascertained as to whether the land in occupation of petitioners is now sought to be utilized for extension of burial ground. Therefore, I deem it proper to direct the Tahsildar (4th respondent) to consider the objection of the petitioners filed on 23.10.2019 and take appropriate decision. If the Tahsildar finds that the

construction undertaken as part of expansion of burial ground is encroaching into the land of the petitioners without following due process, the same shall not be permitted. In view of the fact that construction activity is in full swing, decision is to be taken as expeditiously as possible, preferably within a period of two weeks from the date of receipt of copy of this order. The Tahsildar is also directed to find out *prima facie* any such encroachment is made and if finds *prima facie* encroachment, he shall instruct the Gram Panchayat not to undertake construction activity till the decision is made. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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