

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26873 of 2019

Date :5.12.2019

Between:

Sri M Krishna S/o Late M Jangaiah
Aged about 55 years Occ Agriculture
R/o H No 6-43 Velimela Village Ramachandrapuram Mandal
Medak District & another

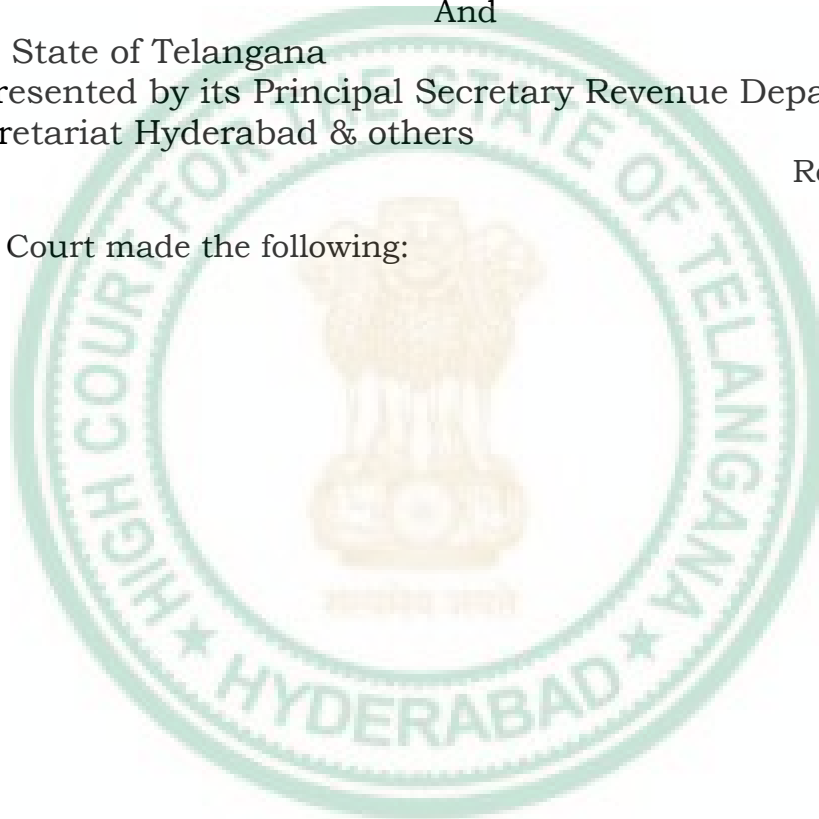
Petitioner

And

The State of Telangana
represented by its Principal Secretary Revenue Department
Secretariat Hyderabad & others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26873 of 2019

ORAL ORDER:

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

2. Petitioners claim to be owners and in possession of land to an extent of Ac.1.22 guntas in Survey No. 222, Velimela village, Ramachandrapuram mandal, Sanga Reddy district. They state that they are paying the house tax and other taxes to the Grampanchayat which later became municipality. According to petitioners, there are others also who are in possession and occupation of land. Petitioners allege that on 25.11.2019, third respondent-Tahsildar along with police came to petitioners' property and started demolishing the compound wall. When petitioners questioned, police served letter dated 25.11.2019 wherein Tahsildar requested the Station House Officer to provide protection in removing the illegal constructions. This writ petition is filed alleging that respondent authorities are not following the due process as required by law before demolishing the compound wall constructed by the petitioners.

3. It is evident from the letter dated 25.11.2019 (filed as Ex.P1) that Government is claiming the land in Survey No. 222 to an extent of Ac.1.25 as Government land and allege that illegally somebody has erected a pre-cast compound wall, therefore, sought police protection to remove the structures made by unauthorized persons.

4. Though, petitioners assert that they are in possession of houses constructed and have been paying property tax, except filing

receipts issued by Grampanchayat dated 23.3.2017 for Rs.397/- and dated 8.8.2007 for Rs.260/- without indicating purpose of such payments and particulars of property and electricity bill generated in the name of one Mr Kuntavenuka Mahesh, no other material is placed on record to show that land belongs to petitioners and that they are in rightful occupation and possession and they are sought to be dispossessed.

5. As fairly submitted by learned counsel for petitioners, no prior permission was obtained from the competent authority to construct the compound wall and as stated by both counsel, it is a pre-fabricated compound wall which can be erected within couple of hours. When petitioners violated the law assuming that the property belongs to them but undertook construction of compound wall without obtaining prior permission from the competent authority, they cannot try to blame others alleging removal of such compound wall without following due process. Further, when the Government is asserting that the land belongs to Government and no other cogent material is placed on record evidencing ownership right of petitioners, the allegation that petitioners were sought to be dispossessed and compound wall constructed by them is sought to be removed, cannot be accepted.

6. The writ petition merits no consideration and accordingly the same is dismissed. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 5-12-2019
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.26873 of 2019

Date :5.12.2019

