

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27077 OF 2019

Dated:19.12.2019

Between:

Nerella Sunitha, W/o. Sudhakar,
Age 40 years, Occ: Agriculture,
R/o.H.No.5-1-18/4, Teekanapally
Village, Haziper Mandal, Mancherial
District

.. Petitioner

And

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

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondents 1 to 5 and Sri G. Narender Reddy, learned Standing Counsel for respondent No.6.

2. Petitioner claims that land to an extent of Acs.2.00 in Survey No.149/63-1 of Sabbepalli Shivar, Hazipur Mandal, Adilabad District, was assigned to her father and after death of her father, she succeeded to the said property and is in peaceful possession and enjoyment of the same. In support of her claim that she is the successor to the assignee and assignment was not cancelled and petitioner is in possession of the subject property, pahani copy dated 30.11.2019 and 1-B Namuna dated 15.09.2018 are filed as Exs.P5 and P6. Petitioner was also issued pattadar passbook. That being so, she now alleges that land to an extent of Ac.0.30 guntas is earmarked from out of the land belonging to her for construction of burial ground and before undertaking such exercise, she was not put on notice and her assignment is not cancelled.

3. Learned standing counsel representing the Gram Panchayat informs the Court that the Government has identified land to an extent of Ac.0.30 guntas in the subject survey number for the purpose of establishment of burial ground.

4. Learned Government Pleader for Revenue submits that the assignment records updated by the revenue authorities do not

contain the name of the petitioner or her father and the authorities are disputing the very assignment to the father of the petitioner and granting the same to the petitioner.

5. However, the Court is not entering into the respective submissions. The matter is remitted to the Tahsildar, Hazipur Mandal, Mancherial District, to ascertain by calling the petitioner to establish the proof of assignment granted to the father of the petitioner and thereafter granting the subject land to the petitioner, and by verifying the earlier revenue records, whether the assignment was granted to the father of the petitioner and such assignment was not cancelled earlier. If it is found that the land was assigned to the father of the petitioner and was not cancelled, the petitioner shall not be dispossessed from the subject land without following due process. If the land is required for any public purpose, it is open to the respondent authorities to follow due process. Till the exercise is undertaken, the land claimed to be in possession of the petitioner shall not be utilized for development of burial ground. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ Petition is accordingly disposed of. Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:19.12.2019

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