

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28004 OF 2019

Date: 18.12.2019

Between:

Dandela Venkateswarlu, s/o. late Appa Rao,
Aged 43 years, occu: Agriculture,
r/o. Munigepalli village, Kusumanchi Mandal,
Khammam district and another.

.....Petitioners

and

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

.....Respondents



The Court made the following:

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ORDER:

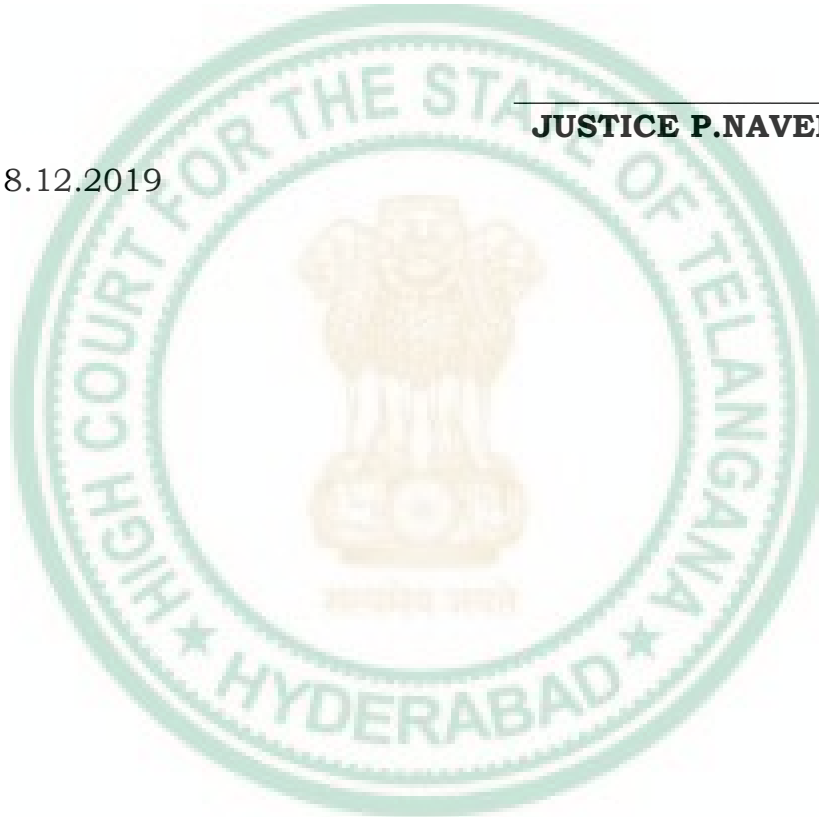
Petitioners claim to be the owners of land to an extent of Ac.1.07 guntas in Sy.No.397; Ac.0.08 guntas in Sy.No.398; Ac.0.10 guntas in Sy.No.400; Ac.0.08 guntas in Sy.No.396/3, and Ac.0.14 guntas in Sy.No.401 of Munigepally village, Kusumanchi Mandal. Petitioners allege that for the last one month, respondents 3 to 5 came to the subject property on several occasions and are taking measurements stating that the land is required for burial ground. Petitioners allege that nearer to the subject land, the Government land to an extent of Ac.9.00 guntas is available for public purpose and, therefore, there is no justification to earmark the petitioners land for the purpose of establishing burial ground. Therefore, petitioners pray to issue writ of mandamus declaring the action of respondents 3 to 5 and their subordinates in trying to dispossess the petitioners from the subject land as illegal, arbitrary and violative of principles of natural justice.

2. In other words, according to petitioners, they are the owners of subject land and it being a private property, no authority of the State can earmark their land for any public purpose, dispossess them without following due process and take possession of their land when Government land is available. It is not known what purpose measurements were taken. The fact remains that apparently so far no process is set in motion for identifying the petitioners land for establishment of burial ground. It is needless to observe that if private land is required for the public purpose, due process is required to be followed before taking possession of

the private land. As fairly submitted by the learned counsel for petitioners, so far no steps are taken. Therefore, what is prayed in the Writ Petition is nothing but premature to litigate. Court cannot prevent the authorities in acquiring private land by following due process if the same is required for public purpose. Leaving it open to petitioners to work out their remedies as and when cause of action arises/if they are dispossessed without following due process, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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