

THE HON'ABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28919 OF 2019

Dated:27.12.2019

Between:

Smt Sogra Bee W/o MD.Khaja Miyan,
Aged about 78 years, Occ:Household,
R/o H.No.2-62, 1-130, Moin Mohalla,
Shamshabad, Ranga Reddy Dist.

...Petitioner

And

The State of Telangana,
Rep.by its Principal Secretary,
Revenue Department, Secretariat
Building, Secretariat, Hyd and others.

...Respondents



This Court made the following:

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ORDER:

Heard.

2. Petitioner claims that she is the absolute owner and possessor of lands to an extent of Ac.2.00 each in Survey Nos.78/5, 78/6, 78/11 of Rasheedguda Village, Shamshabad Mandal, Ranga Reddy District. Petitioner claims to have constructed small rooms in the said lands, after obtaining permission.

3. In this Writ Petition, the grievance of the petitioner is that though the land of the Telangana State Road Transport Corporation falls in Survey No.78/2 of Rasheedguda Village, Shamshabad Mandal, Ranga Reddy District, the Corporation authorities and the Revenue authorities illegally demolished the structures made by the petitioner on the lands belonging to her, which are away from the land of the respondent-Corporation and the said action is illegal and the petitioner cannot be dispossessed from the subject lands.

4. According to the learned Special Government Pleader for Revenue, the petitioner has encroached upon the Government land and made illegal constructions thereon. The respondent-Corporation is only protecting the land, which belongs to the Government and allotted to the respondent-Corporation. He also submits that the subject lands were resumed long ago by the Government and the petitioner is not in possession of the same.

5. The petitioner enclosed the revenue records to show that she is the owner and possessor of the lands mentioned above and contended that the respondents cannot interfere with her possession and enjoyment and she cannot be dispossessed from the said lands.

6. It is not in dispute that the land in Survey No.78/2 is a Government land and allotted to the respondent-Corporation. That being so, the respondent-Corporation can dispossess the persons in occupation, by following due process.

7. However, whether the petitioner is in possession of land claimed by the respondent-Corporation; and whether the respondent-Corporation had, supported by revenue authorities, dispossessed the petitioner from the lands claimed to be owned by the petitioner, are all matters, which are required to be verified and enquired into and at this stage this Court cannot express any opinion on the said aspects.

8. The Writ Petition is disposed of by the following order:

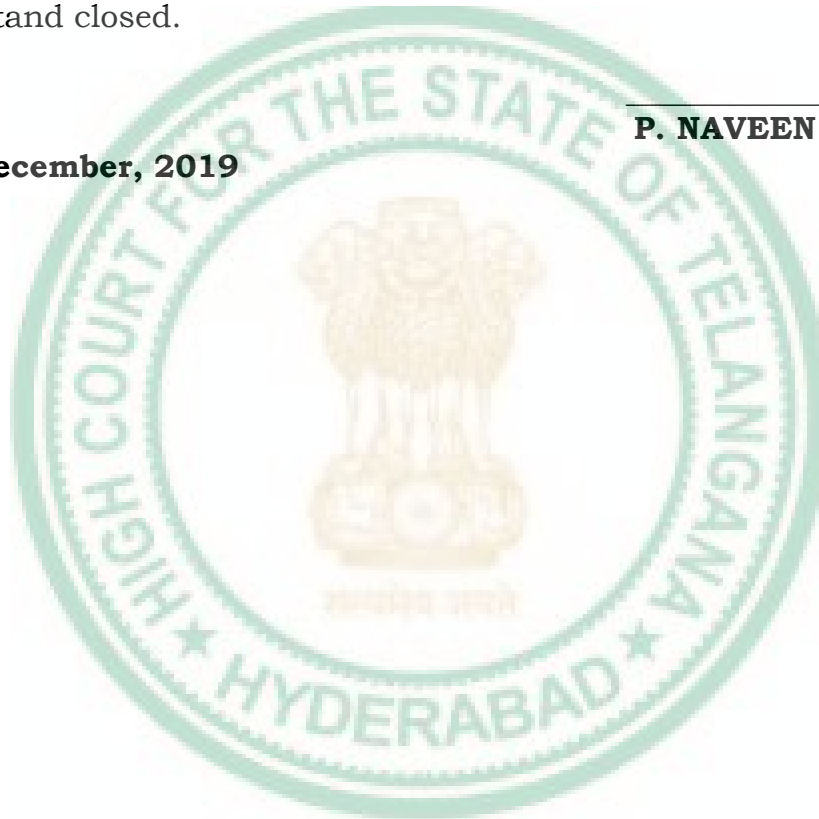
The petitioner shall appear before the 3rd respondent, Tahsildar, Shamshabad Mandal, Ranga Reddy District, tomorrow i.e., on 28.12.2019 at 11:30 A.M. along with supporting documents showing that she is the owner of the subject land; there is clear demarcation of the lands owned by the petitioner; and structures constructed by her are within the land belonging to her. The Tahsildar shall verify the extent of land owned by the petitioner and the land allotted to the respondent-Corporation, if necessary, by conducting physical inspection in the presence of petitioner. On such verification, if it is found that the petitioner is

in possession of the subject lands and the same were assigned to her, she shall not be dispossessed without following due process of law. On the contrary, if there is evidence that the subject lands claimed to be in possession of petitioner were allotted to the respondent-Corporation, every endeavor should be made to protect the property allotted to the respondent-Corporation, by following due process. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

27th December, 2019
YVL

P. NAVEEN RAO, J



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YVL