

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28993 OF 2019

Date:31.12.2019

Between:

Panjala Durgaiyah, S/o.Dharmaiah,
Aged about 71 years, Occ: Agriculture,
R/o.Chelpur Village, Huzurabad
Mandal Karimnagar District

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.28993 OF 2019****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 4.

2. Petitioner claims that he is the owner and in possession of land to an extent of Ac.0.11 guntas in Survey No.1660/2 and Ac.0.36 guntas in Survey No.1664 of Chelpur Village, Huzurabad Mandal, Karimnagar District. He alleges that adjacent land to an extent of Ac.0.27 guntas in Survey Nos.1661/2 and 1662 was allotted to Muslim Graveyard by the Government. On a request made by the associates of the Muslim community, petitioner agreed to give his land to an extent of Ac.0.06 guntas in Survey No.1664 and Ac.0.04 guntas in Survey No.1660/2 and the said graveyard members in turn agreed to give land to an extent of Ac.0.04 guntas in Survey No.1662 and accordingly the lands were exchanged. Though petitioner is now entitled to land to an extent of Ac.1.01 gunta and the graveyard was having only Ac.0.33 guntas of land, respondent No.5 has encroached into the land of the petitioner to an extent of Ac.0.06 guntas more in addition to the land allotted to him by falsely claiming that the said land belongs to respondent No.5, whereas a portion of the land earmarked for graveyard purpose was earlier acquired for road widening purpose and after acquiring the land in that manner, the graveyard was left with only Ac.0.19 guntas of land. Petitioner therefore submits that illegally respondent No.5 encroached into the land of the petitioner.

3. Learned counsel for the petitioner placed reliance on the report, dated 10.08.2015, submitted by the Tahsildar, Huzurabad, to the Revenue Divisional Officer, Karimnagar District, contending that this clearly points out that respondent No.5 is in illegal occupation of the land belonging to the petitioner. This Writ Petition is filed seeking a declaration that the action of the Revenue Divisional Officer, respondent No.4, in not restoring the petitioner's land of Ac.0.06 guntas in Survey No.1664/2 in accordance with the report, dated 10.08.2015, as illegal and the land should be restored to the petitioner. In other words, the petitioner alleges that respondent No.5, a private person, is in occupation of the petitioner's land and wants the Revenue Divisional Officer to involve in the issue and restore possession to the petitioner. In other words, the petitioner is seeking involvement of the Revenue Divisional Officer in respect of the private dispute between the petitioner and respondent No.5. Admittedly, the revenue authorities cannot involve in private disputes and the aggrieved party has to work out his/her remedies in accordance with law. Therefore, the prayer sought in the Writ Petition cannot be granted.

4. The Writ Petition is accordingly dismissed. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

P.NAVEEN RAO, J

Date:31.12.2019

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