

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.420 OF 2020

DATE : 08.01.2020

Between :

Kampelly Erranna, S/o.Kampelly Chandraiah,
Aged about 47 years, Occ: Agriculture,
R/o. H.No.4-218, Boya Wada, Utnoor Village,
Utnoor Mandal, Adilabad District.

..... Petitioner

And

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

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

2. According to petitioner, he owns Ac.2-20 guntas of land in Survey No.331 (old) situated at Utnoor Village and Mandal, Adilabad District. Petitioner alleges that some elderly persons belonging to a particular religion started ploughing the land belonging to him, as if the land in his possession and enjoyment is a wakf land. Having noticed the same, petitioner filed a representation before the Revenue Divisional Officer to look into the grievance, evict the unauthorized occupants and restore possession to him. Responding to the said request, the Revenue Divisional Officer issued proceedings, dated 23.07.2016, directing the Tahsildar, Utnoor Mandal, to conduct detail enquiry with regard to old Survey No.331 and also find out its new survey number and submit report. Petitioner alleges that there is no progress on the issue till date and the persons belonging to the particular religion continued to cultivate the subject land.

3. From a reading of the averments in the affidavit filed in support of the Writ Petition, it appears, according to the petitioner, there is wakf land in Survey No.429 (old), which is now Survey No.414 and under the guise of cultivating the land belonging to the wakf institution, the said elderly persons have encroached into the land of the petitioner and cultivating the same, which is illegal.

4. In other words, the grievance of the petitioner is against private individuals encroaching into his land, under the false ground of cultivating the wakf land, and dispossessing and depriving him from enjoying the land belonging to him. Having regard to this fact, the question of revenue authorities interfering in the dispute and responding to the request of petitioner to dispossess the persons alleged to have encroached into the land of the petitioner does not arise. Therefore, the direction issued by the Revenue Divisional Officer is *ex facie* illegal. Finding of new survey number assigned in place of old survey number is entirely a different aspect from the issue of encroachment into the land claimed to belong to petitioner. Therefore, the prayer sought for by the petitioner cannot be granted.

5. Leaving it open to the petitioner to work out remedies as available in law, the Writ Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

January 08, 2020.
MD

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