

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.6382 OF 2020

Date:20.03.2020

Between:

Tahera Abeda

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.6382 OF 2020****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondents 1 to 4, learned Government Pleader for Irrigation and Sri N. Praveen Kumar, learned standing counsel for respondent No.6.

2. Petitioner claims to be the owner of land to an extent of Acs.8.16 guntas in Survey Nos.161/A1 and 161/AA1 of Balapur Village, Sarrornagar Mandal, Ranga Reddy District. She is aggrieved by notice No.B/1545/2019 dated 17.03.2020. By this notice, the Tahsildar informed the petitioner and others, whose names are shown in the address column of the notice, that as requested by the Irrigation Authorities he intended to undertake the exercise to identify the Full Tank Level (FTL) of Errakunta Cheruvu (Lake I.D.No.3609) on 21.03.2020 and requested them to be present.

3. From the reading of the notice, it appears that the Irrigation Department informed the Tahsildar that as per the preliminary notification issued by the HMDA, the Errakunta Cheruvu is located in Survey No.161 of Balapur Village and there is urgent need to identify the FTL of the above tank.

4. Learned counsel for the petitioner does not dispute the competence of the Tahsildar to identify the FTL of Errakunta Cheruvu. She only apprehends that in the guise of marking of FTL, the authorities may dispossess the petitioner.

5. However, it is seen from the order passed by this Court in I.A.No.1 of 2019 in W.P.No.3752 of 2019 filed by the petitioner and six others, the Court directed the respondent authorities not to interfere with the lands covered by the pattadar passbooks, even if warranted, except in accordance with due procedure laid down by law. From the reading of the prayer portion in the said application, it is seen that the very extent of land was mentioned by the petitioners therein and alleged that the respondents were interfering with the possession and enjoyment of their land. Thus, protection is already granted with reference to the alleged dispossession.

6. However, the said order does not come in the way of undertaking the present exercise, as the present exercise is only with reference to identification of FTL of Errakunta Cheruvu. Once FTL is identified, the revenue as well as irrigation authorities may have to take appropriate action. As noticed above, with reference to dispossession, the interests of the petitioners and others are sufficiently protected by the order of this Court in W.P.No.3752 of 2019.

7. Learned counsel for the petitioner sought to contend that the revenue records do not reflect the existence of Errakunta Cheruvu particularly in Survey No.161, but there is a reference of existing of Cheruvu (lake) in Survey No.162. Court is not expressing opinion on this aspect as what is now proposed is only identification of FTL.

8. Therefore, leaving it open to the petitioner and the respondents to work out their respective claims in the pending writ petition, this writ petition is dismissed. It is needless to observe that it is open to the petitioner to raise all pleas as available in law in response to the notice issued on 17.03.2020 and also to present before the Tahsildar on the date proposed for identification of FTL. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date:20.03.2020

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P. NAVEEN RAO, J

