

High Court for the State of Telangana

The Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice B. Vijaysen Reddy

W.A. No. 457 of 2020

Date: 02-11-2020

Between:

Meka Rambabu

...Appellant

And

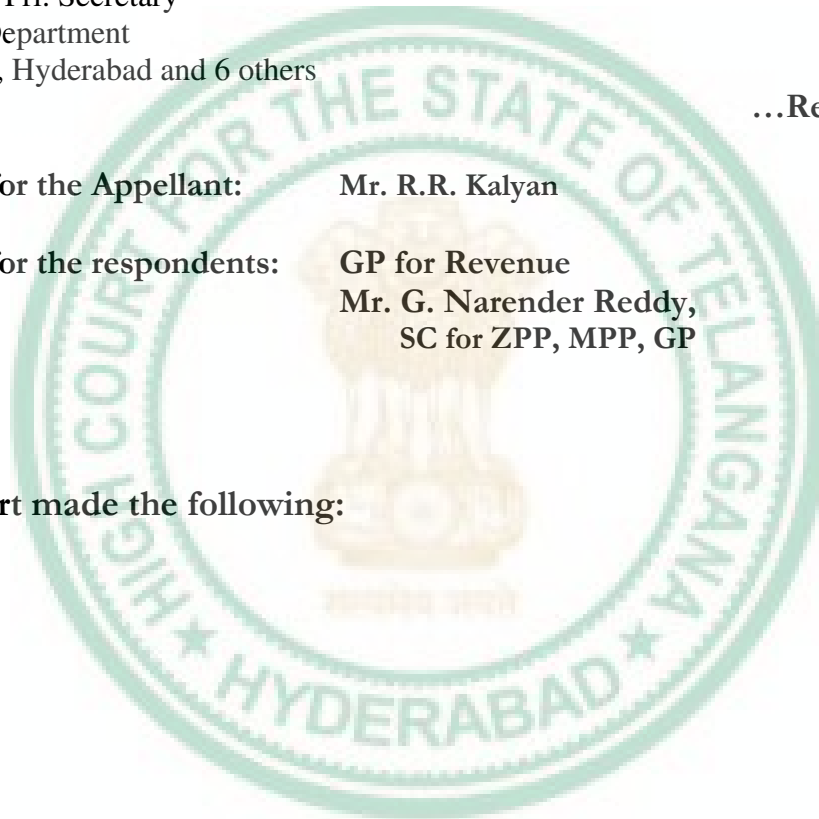
The State of Telangana
Rep. by its Prl. Secretary
Revenue Department
Secretariat, Hyderabad and 6 others

...Respondents

Counsel for the Appellant: Mr. R.R. Kalyan

Counsel for the respondents: GP for Revenue
Mr. G. Narender Reddy,
SC for ZPP, MPP, GP

The Court made the following:



Judgment: (per Hon'ble Sri Justice B. Vijaysen Reddy)

This appeal is filed challenging the order dated 15-09-2020, passed by a learned Single Judge in W.P. No. 11436 of 2020, whereby the learned Single Judge has closed the writ petition filed by the appellant-petitioner, giving him liberty to work out the remedies before the civil court.

The grievance of the appellant-petitioner is that he is the owner of a parcel of land, admeasuring Acs.2-23 guntas, in Survey No.1554/Ruu/2, Sujathanagar Village and Mandal, Bhadradri-Kothagudem District (for short 'the subject land'). But, the respondent No.6, Gram Panchayat, is illegally occupying his land in the guise of carrying out 'Haritha Haram Plantation'. The petitioner relied upon adangal and pattadar pass books issued from the year 2012 onwards to show that he has been in continuous possession of the subject land.

However, the respondent No.6, Gram Panchayat, filed a counter stating that as per the latest pahani for the year 2020, the extent of land in possession of the petitioner is only Ac.1-70 guntas in Survey No. 1554. The same was revealed during the land records upgradation programme in the year 2017. It was further asserted by respondent No.6 that the petitioner has misrepresented the actual extent of land, and has obtained pattadar pass books for the extent of Acs.2-23 guntas.

In the above factual background, the learned Single Judge dismissed the writ petition by observing that there are disputed questions of facts, which cannot be decided in the writ jurisdiction, but gave liberty to the petitioner to approach the Civil Court.

The learned counsel for the appellant-petitioner has raised two contentions.

Firstly, that under Section 276 of the Panchayat Raj Act, 2018 (for short 'the Act'), no suit, prosecution or other legal proceedings shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act or under the rules made thereunder. However, according to the petitioner, there is illegal interference in his land.

Secondly, that there is a dispute between himself and one Challa Guravaiah, who has adverse claim over a part of his land.

As regards the first contention of the petitioner, the petitioner can always institute a suit to prevent the authorities from acting in any manner *de hors* the provisions of the Act.

As regards the second contention of the petitioner, it is needless to say that the dispute between the petitioner and the said Challa Guravaiah being purely civil in nature, the petitioner, if he is so advised, may approach the civil court by filing a suit either only against the respondent authorities, or by also impleading Challa Guravaiah as a party respondent, and seek appropriate relief therefrom.

With the above observations, the Writ Appeal is disposed of.

As a sequel, Miscellaneous Petitions, pending if any stand disposed of as infructuous.

(Raghvendra Singh Chauhan, CJ)

(B. Vijaysen Reddy, J)

Dt: 2nd November, 2020
Lur.

