

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.31976 of 2022

ORDER:

This writ petition is filed seeking the following relief:

“ ... to issue a Writ, Order or direction; more particularly one in the nature of Writ of Mandamus By declaring the action of the 2nd respondent in trying to disposes the petitioners from their land an extent of Ac.6.17 gnts in Survey No.872/2, situated at Miryalaguda Town, Nalgonda District, Telangana State, without following due process of law for the purpose of construction of “INTEGRATED VEG AND NON-VEG MARKET” as illegal and arbitrary, un constitutional, against the land acquisition laws and principle of Natural Justice and consequently to direct the 2nd respondent not to disposes the petitioners from their land an extent of Ac.6.17 gnts in Survey No.872/2, situated at Miryalaguda Town, Nalgonda District, Telangana State, without following due process of law for the purpose of construction of “INTEGRATED VEG AND NON-VEG MARKET”...”

2. Sri P.Pratap, learned counsel for the petitioners, submits that the respondent Municipality is trying to dispossess the petitioners from their land to an extent of Ac.6.17 gts. in Survey No.872/2 situated at Miraylguda town, Nalgonda District, without following due process of law, for the purpose of construction of ‘Integrated veg and non-veg market’. He submits that in the year 1955, the Revenue Authorities have issued pattadar passbooks and title deeds in favour of the petitioners’ grandfather in respect of land to an extent of Ac.15.7 gts. and their names were also mutated in the revenue records. Thereafter, an extent of Ac.8.30 gts. was acquired for the construction of P.W.D.

Camp at Miryalguda by paying compensation to the petitioners' grand father and the remaining land of Ac.6.17 gts. is in the possession of the petitioner's family and their names were also reflected in the Dharani Portal. He submits that the 2nd respondent authorities are going to construct 'Integrated veg and non-veg market' in the petitioners land without acquiring the same and without any authority.

3. Sri N.Praveen Kumar, learned Standing Counsel, submits that in fact the land to an extent of Ac.0.37 gts., in Survey No.871 and Ac.1.03 gts. in Survey No.872 was allotted on 30.12.2021 and advance possession of the said lands were also given by way of a panchanama.

4. According to the learned Standing Counsel, the above said land was allotted to the 2nd respondent and in that they are establishing integrated veg and non-veg market. It is not in dispute that part of the land was acquired and remaining land, which is adjacent to the petitioner's land, the Municipality is claiming that it has been allotted to them. No proceedings are placed before this Court that at the time of handing over the land to the Municipality any survey was conducted and whether the petitioners were put on notice. It is stated that later the

petitioners have filed W.P.No.31964 of 2022 seeking survey of the land and this Court by order dated 10.08.2022 has already directed the respondents to conduct survey over the land to an extent of Ac.6.17 guntas in Survey No.872/2 situated at Miryalguda Town, Nalgonda District. Learned counsel for the petitioners submits that in spite of the said orders passed by this Court, so far no survey is conducted and under the guise of that allotment, the Municipality is going ahead with the construction of integrated veg and non-veg market and they have also dumped the material in the said land.

5. Taking all these aspects into consideration, the interest of justice would be met if a survey is conducted by the Revenue Authorities. As already this Court in W.P.No.31964 of 2022 directed to conduct survey, the respondents shall complete the survey within 15 days from the date of receipt of a copy of this order in the presence of the Municipality as well as the petitioners. Till such time, the respondent Municipality shall not make any construction in the said land. If the petitioners are aggrieved by such survey, it is always open to them to question the same.

6. With the above direction, this Writ Petition is disposed of. No order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

September 19, 2022

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