

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 31976 OF 2022

Between:

1. Mohammad Abdul Gouse, S/o. Mohammad Abdul Nabi, Age 42 Years, Occ ; Driver, R/o. H.No.7-935, Bangarigadda, Miryalaguda, Nalgonda District, Telangana State.
2. Mohammad Jameela Begum, W/o. Mohammad Abdul Nabi, Age 58 Years, Occ ; Housewife, R/o. H.No.7-935, Bangarigadda, Miryalaguda, Nalgonda District, Telangana State.
3. Mohammad Abdul Kareem, S/o. Mohammad Abdul Nabi, Age 49 Years, Occ ; Driver, R/o. H.No.7-935, Bangarigadda, Miryalaguda, Nalgonda District, Telangana State.
4. Mohammad Zareena Begum, W/o. Mohammad Riyaz Khan, Age 35 Years, Occ ; Housewife, R/o. H.No.7-1321, Bangarigadda, Miryalaguda, Nalgonda District, Telangana State.
5. Mohammad Rasheeda Begum, W/o. Mohammad Haji, Age 32 Years, Occ ; Housewife, R/o. H.No.7-1321, Bangarigadda, Miryalaguda, Nalgonda District, Telangana State.
6. Mohammad Khamunnisa Begum, W/o. Mohammad Abdul Azeez, Age 68 Years, Occ ; Housewife, R/o. H.No.18-1391, Ashoknagar, Miryalaguda, Nalgonda District, Telangana State.
7. Mohammad Khadeer, S/o. Mohammad Abdul Azeez, Age 48 Years, Occ ; Business, R/o. H.No.18-1391, Ashoknagar, Miryalaguda, Nalgonda District, Telangana State.
8. Shaik Razia Begum, W/o. Shaik Sharfuddin, Age 54 Years, Occ ; Housewife, R/o. H.No.7-1138/3, Bangarigadda, Miryalaguda, Nalgonda District, Telangana State.
9. Mohammad Abdul Rasheed, S/o. Mohammad Abdul Azeez, Age 51 Years, Occ ; Govt. Employee, R/o. H.No.4-11-340/2, Chaitanyapuri Colony, D.V.K. Road, Nalgonda, Nalgonda District, Telangana State.
10. Mohammad Shameem, W/o. Mohammad Shjeed, Age 48 Years, Occ ; Housewife, R/o. H.No.C-48, Koti Naik Thanda, Suryapet, Suryapet District, Telangana State.
11. Mohammad Fathima Firdous, W/o. Mohammad Haleem, Age 48 Years, Occ ; Housewife, R/o. H.No.18-1394, Ashok Nagar, Miryalaguda, Nalgonda District, Telangana State.

12. Mohammad Faheem, W/o. Mohammad Shakeel, Age 44 Years, Occ ; Housewife, R/o. H.No.4-157, Khasimpura, Devarakonda, Nalgonda District, Telangana State.
13. Mohammad Naseem Begum, W/o. Mohammad Phasiuddin, Age 40 Years, Occ ; Housewife, R/o. H.No.6-75/1, Jam Maseed, Devarakonda, Nalgonda District, Telangana State.
14. Mohammad Abdul Raheem, S/o. Mohammad Rajak, Age 52 Years, Occ ; Business, R/o. H.No.8-25, Ambdekar Colony, Huzur Nagar, Nalgonda, Nalgonda District, Telangana State.
15. Mohammad Shameem, W/o. Mohammad Abdul Mazid, Age 48 Years, Occ ; Housewife, R/o. Plot No.262, J.B. Colony, Saroor Nagar, K.V. Ranga Reddy District, Telangana State.
16. Mohammad Sabera Begum, W/o. Mohammad Shamuddin, Age 60 Years, Occ ; Housewife, R/o. H.No.21-147, Kundala Bazar, Miryalaguda, Nalgonda District, Telangana State.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Miryalaguda Municipality, Rep. by its Commissioner, O/o. Municipal Office, Miryalaguda Town, Nalgonda District, Telangana State.
3. The District Collector, Nalgonda District, At Nalgonda, Telangana State., Telangana State.
4. The Revenue Divisional Officer, Miryalaguda Division, Nalgonda District, Telangana State, Telangana State.
5. Tahasildar, Miryalaguda Mandal Office, Nalgonda District, Telangana State, Telangana State.
6. The Mandal Surveyor, Miryalaguda Mandal Office, Nalgonda District, Telangana State., Telangana State.

(RR 3 to 6 are impleaded as per Court Order dated 17-8-2022 in I.A.No.2 of 2022)

...RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased 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.

I.A.NO:1 OF 2022

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent not to dispose 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 & NON-VEG MARKET", forthwith pending disposal of writ petition.

Counsel for the Petitioners : SRI.P.PRATAP

Counsel for the Respondent No.1 : GP FOR MCPL ADMN AND URBAN DEV

Counsel for the Respondent No.2 : SRI.N.PRAVEEN KUMAR (SC FOR MC TELANGANA)

Counsel for the Implead Respondent Nos.3 to 6 : G.P FOR REVENUE

The Court made the following ORDER

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 Miryalguda 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.

//TRUE COPY//

SD/- L. SIVA PARVATHI
ASSISTANT REGISTRAR
GP
SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner, Miryalaguda Municipality, O/o. Municipal Office, Miryalaguda Town, Nalgonda District, Telangana State.
3. The District Collector, Nalgonda District, At Nalgonda, Telangana State., Telangana State.
4. The Revenue Divisional Officer, Miryalaguda Division, Nalgonda District, Telangana State, Telangana State.
5. Thahasildar, Miryalaguda Mandal Office, Nalgonda District, Telangana State, Telangana State.
6. The Mandal Surveyor, Miryalaguda Mandal Office, Nalgonda District, Telangana State., Telangana State.
7. Two CCs to GP FOR MCPL ADMN AND URBAN DEV, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
9. One CC to SRI.P.PRATAP, Advocate [OPUC]
10. One CC to SRI.N.PRAVEEN KUMAR (SC FOR MC TELANGANA) [OPUC]
11. Two CD Copies
12. One spare copy

S.A.

GJP



HIGH COURT

DATED:19/09/2022

ORDER

WP.No.31976 of 2022



DISPOSING OF THE W.P
WITHOUT COSTS.

(13) VLV
24/9/22