(2023) 02 TEL CK 0077

In the Telangana High Court

Case No : Writ Petition No. 41861 Of 2022

Vanagala Vijaya Lakshmi APPELLANT

Vs

State Of Telangana RESPONDENT

Date of Decision : 22-02-2023

Acts Referred:
Indian Penal Code, 1860 — Section 294B, 427, 447

Citation : (2023) 02 TEL CK 0077

Hon'ble Judges : P. Madhavi Devi, J

Bench : Single Bench

Advocate : Sarampally Mrudula, R Pavan Reddy

Final Decision : Dismissed

Judgement

1. In this Writ Petition, the petitioner is seeking a Writ of Mandamus to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the land of Ac.0-04 gts., in Survey No.928 situated at Chelpur Revenue Village, Ghanpur Mulugu Mandal, Jayashankar Bhupalapally District without due process of law and to pass such other order or orders as this Court may deem fit in the circumstances of the case.

2. Brief facts leading to the filing of the present Writ Petition are that the petitioner claims that her father one Pendyala Veerachary was the absolute owner and possessor of agricultural dry land to an extent of Ac.0-21 gts., in Survey No.928 situated at Chelpur Revenue Village, Ghanpur Mulugu Mandal, Jayashankar Bhupalapally District. It is submitted that the petitioner's father gifted an extent of Ac.0-10.5 gts., to the petitioner towards 'pasupu kumkuma' and the said land was mutated in the Record of Rights (RoR) on 08.11.1995 in favour of the petitioner as pattedar and possessor. It is submitted that in the year 2006, the Government of Telangana acquired some extent of land in favour of TSGENCO to lay conveyor belt for supply of coal by the Award proceedings of the Land Acquisition Officer and Sub-Collector, Ghanpur Mulugu Mandal vide proceedings No.A/B/892/2006 dt.03.10.2006 and according to the Award, no

land in Survey No.928 situated at Chelpur Revenue Village, Ghanpur Mulugu Mandal, Jayashankar Bhupalapally District was acquired by the Land Acquisition Officer and Sub-Collector, Ghanpur Mulugu Mandal and consequently no compensation was paid towards the same. It is submitted that the name of the petitioner is reflected as pattedar and possessor, but one Malka Venkataramana, S/o Rajeshwar Rao was paid compensation for Ac.0-00½ gts., of land in Survey No.928. It is submitted that Malka Venkataramana had been alleging that his father had purchased the land from the pattedar, Vangapalli Pulla Rao on simple sale deed dated Nil. It is submitted that the petitioner had made several representations to the revenue authorities and also to TSGENCO officials that neither any award of land acquisition had taken place against the petitioner nor was any compensation paid to the petitioner and therefore, the petitioner has requested the Revenue and TSGENCO authorities not to interfere with her peaceful possession over the subject land. It is submitted that the Revenue as well as TSGENCO authorities, without giving any reply to the representations of the petitioner, are illegally trying to take physical possession of the land of the petitioner and are threatening her with dire consequences. Challenging the alleged interference by the TSGENCO authorities as well as the Revenue authorities, the present Writ Petition has been filed.

3. Learned counsel for the petitioner, Ms. S. Mrudula, reiterated the submissions made in the writ affidavit and has also drawn the attention of this Court to the photographs placed at page 136 of the writ papers to demonstrate that the TSGENCO authorities are trying to interfere with the land of the petitioner in Survey No.928 of Chelpur Revenue Village, Ghanpur Mulugu Mandal, Jayashankar Bhupalapally District. She has also drawn the attention of this Court to the entries in the RoR dt. 15.02.2018, wherein the petitioner's name is recorded as pattedar as well as possessor of land in Survey No.928/ అ . She has drawn the attention of this Court to page 60 of the writ papers, wherein the land acquisition proceedings in Survey No.928 to an extent of Ac.0-04 gts., and the details of the same are recorded. She submitted that with regard to the petitioner, it is recorded that Ac.0-00[illegible] gts., of land has been acquired, but the same was purchased by Malka Rajeshwar Rao from the pattedar, Vangapalli Pulla Rao, on a simple sale deed, but the date column therein is remaining as blank. Therefore, according to her, the said document cannot be relied upon and the petitioner has not been paid compensation and therefore, the respondents should be restrained from interfering with petitioner's possession over the subject land.

4. The respondents have filed counter affidavit and the learned Standing Counsel for TSGENCO (2nd respondent) relied upon the averments made in the counter affidavit. It is submitted that the land to an extent of Ac.0-04 gts., in Survey No.928 situated at Chelpur Village, Ghanpur Mandal, Jayashankar Bhupalapally was acquired in the year 2012 and that Ac.0-03½ gts., was in the name of Sri Vallapu Subba Rao, S/o Kothaiah and he did not attend for award enquiry and therefore, no compensation was paid to him, and the award for Rs.18,750/- in

relation to Ac.0.00½ gts., was issued in favour of Malka Rajeshwar Rao who had claimed to have purchased the same from one Sri Vangapally Pulla Rao. He submitted that none of the claimants have claimed or objected to the above compensation for the extents of their land in Survey No.928. It is submitted that the petitioner is claiming to have made representations only to raise cause of action for filing of the Writ Petition and that she has no right over the property. It is further submitted that the petitioner's husband Mr. Vangala Prabhakar tried to trespass into the land of the respondents on 31.10.2022 and a police complaint was filed against him on 05.11.2022 and FIR 257/2022 dt.20.11.2022 has been registered against the husband of the petitioner Mr. Vangala Prabhakar under Sections 447, 427 and 294B of IPC. Therefore, the respondents are denying the possession of the petitioner over the subject property and her entitlement to receive any compensation for acquisition of the land.

5. The petitioner has not filed any reply to the counter filed by the respondents.

6. The petitioner claimed that she is in possession of the property and also that her name was recorded as pattedar and possessor in the revenue records till 2018 and it is only recently that she has come to know about the land being shown as belonging to TSGENCO and therefore, she has filed the present Writ Petition.

7. Having regard to the rival contentions and the material on record, this Court finds that though the petitioner claims to be owner of the subject property, her name was recorded in the revenue records as pattedar and possessor only till the year 2018. The respondents claimed to have acquired the said land and have also paid compensation. The petitioner has not been able to demonstrate as to whether she has ever raised any objection for acquisition of the land or non-payment of compensation to her. The contentions raised by the respondents in the counter affidavit are not controverted or rebutted by the petitioner by filing any reply affidavit.

8. In view of the same, this Court is not inclined to give any directions to the respondents with regard to the land of Ac.0-04 gts., in Survey No.928 situated at Chelpur Revenue Village, Ghanpur Mulugu Mandal, Jayashankar Bhupalapally District.

9. The Writ Petition is accordingly dismissed. No order as to costs.

10. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.