



2025:TSHC:46655
[3299]

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

**MONDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 17657 OF 2025

Between:

Benki Shanker, S/o. Lingam, Aged about 76 years, Occ. Retd. Govt.
Employee R/o. Flat No. 501, Vijetha Apartments, Perkit, Armoor Municipality,
Nizamabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Revenue Department Secretariat, Hyderabad.
2. The District Collector, Nizamabad Collectorate Building Nizamabad District
3. The Revenue Divisional Officer, Armoor Division, Nizamabad
4. The Tahsildar, Armoor, Mandal Nizamabad District
5. The Dy. Executive Engineer, Irrigation Sub-Division No. 2, Irrigation Department, Armoor
6. Armoor Municipality, Rep. by its Commissioner Armoor, Nizamabad District.

...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 declaring the action of Respondents in interfering with peaceful possession of the Petitioner by excavating part of the land admeasuring 960 sq. yds., in Plot Nos. 3, 4, 11 and 12 situated in Sy. Nos. 22/1, 22/3, 27/A and 37/AA situated at Kotarmoor village, Armoor Mandal, Armoor Municipality, Nizamabad District without notice as being arbitrary, illegal, violative of principles of natural justice and Articles 14, 21 and 300-A of The Constitution of India consequently forbear the Respondents from interfering the aforesaid premises of the Petitioner.



2025:TSHC:46655

IA NO: 1 OF 2025

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 pass an order restraining the Respondents from interfering with the Petitioners peaceful possession over land admeasuring 960 sq. yds., in Plot Nos. 3, 4, 11 and 12 situated in Sy. Nos. 22/1, 22/3, 27/A and 37/AA situated at Kotarmoor village, Armoor Mandal, Armoor Municipality, Nizamabad District.

Counsel for the Petitioner: SRI D.JAGAN MOHAN REDDY

**Counsel for the Respondent Nos.1 TO 4: SRI L.RAVINDER,
AGP FOR REVENUE**

**Counsel for the Respondent No.5: SRI LAXMALLA SANDEEP,
AGP FOR IRRI & CAD**

Counsel for the Respondent No.6: SRI P.KRISHNA REDDY, SC FOR MPCL

The Court made the following: ORDER



2025:TSHC:46655

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION No.17657 of 2025

ORDER:

This writ petition is filed seeking to declare the action of respondents in interfering with the peaceful possession of the petitioner by excavating part of the land admeasuring 960 sq.yds., in Plot Nos.3, 4, 11 and 12 situated in Survey Nos.22/1, 22/3, 27/A and 37/AA situated at Kotarmoor village, Armoor Mandal, Armoor Municipality, Nizamabad District (subject property).

2. Learned counsel for the petitioner would submit that petitioner is in peaceful possession and enjoyment of the subject property. He would submit that petitioner is bonafide purchaser of the said land under registered sale deed vide document No.2344 of 2011 dated 28.06.2011 from Sri P.Rajeshwar Reddy, P. Veda Prakash Reddy and Smt B.Mamatha. He further submit that land has been converted from agricultural land to Non-agricutural land vide proceedings No.A3/5542/2010 dated 13.10.2010 and A3/5543/2010 dated 13.10.2010 under the provisions of Telangana



Agricultural Land (Conversion for Non-Agricultural Purposes), Act, 2006. He relied upon the demarcation certificate dated 24.12.2010 along with map which demonstrate that there is no government land included in the proposed layout. He would further submit that the said layout has been approved vide Lr.No.L.Dis.No.1304/HRO/H1 dated 24.02.2011 through L.P.No.07/2011/HRO of Regional Deputy Director, Town Country Planning, which shows the subject land as commercial area. He would further submit that a few individuals claiming to be from the office of respondent No.4, 5 and 6 have attempted to interfere with the possession of the petitioner on 16.06.2025 by digging in the land but the same was resisted by the petitioner. Aggrieved by the said action, the present writ petition is filed.

3. Learned counsel for the petitioner would further submit that land in question has clear title flown from the original pattedars through which the petitioner has become successor, without issuing any notice and without following the procedure contemplated

7



under law trying to interfere with the possession of the petitioner is illegal and thus, would seek to allow the writ petition.

4. Per contra, learned Assistant Government Pleader for Revenue submits that admittedly the land in question has been converted from agricultural land to non agricultural land vide proceedings dated 13.10.2010 under the Telangana Agricultural Land (Conversion for Non-Agricultural Purposes), Act, 2006 and further submits that demarcation has also been done and demarcation certificate dated 24.12.2010 along with map is issued stating that no government land is included in the proposed lay out and layout permission has been given vide proceedings dated 24.02.2011 through Regional Deputy Director, Town Country Planning and further submits that respondent Nos.4 has never interfered with the subject property. He further submits that in the case No.E2/34/2020, dated 28.05.2025, a joint survey has been conducted. Accordingly, consequential action has been taken and land has been taken into the possession of official respondents in the presence of Panchas and hence question of interference into the



subject property does not arise. He would further submit that all these aspects are not brought to the notice of this Court by the petitioner and the petitioner has not challenged the proceedings issued by the District Collector in Case No.E2/34/2025, dated 28.05.2025 and if aggrieved, the petitioner ought to have taken necessary recourse against the vendors of the petitioner herein and the said proceedings is not under challenge before this Court. Therefore, this writ petition is filed under misconception and hence, would seek to dismiss the writ petition.

5. Sri Laxmalla Sandeep, learned Assistant Government Pleader for Irrigation appearing for respondent No.5 submits that land in question pertains to Canal D-82/2/1/2 which has become defunct about 40 to 50 years and as per the directions of District Collector, Nizamabad in 2022, joint survey of defunct canals was conducted to demarcate the canal boundary. After conducting survey, the District Collector has instructed the Revenue Divisional Officer, Armoor to take up fencing activity along the defunct canals to safeguard the Government Property and take up



plantation in that area under Haritha Haram Programme. He would further submit that the property in question has been converted into non-agricultural land and subsequently layout permission has also been taken without putting respondent No.5 on notice under whose possession the property is lying and the same is perverse. Hence would submit that proceedings have been issued by respondent No.2 stating that the said land belongs to the irrigation department. He would further submit that by virtue of the same nothing would persist in the writ petition and would seek to dismiss the writ petition.

6. Having heard the learned counsel for the petitioner, learned Assistant Government Pleader for Revenue, learned Assistant Government Pleader for Irrigation and upon perusal of the material available on record, it appears that the land in question has been taken into physical possession of the official respondents by conducting panchanama and also it is noticed that impugned proceedings issued by District Collector in Case No.E2/34/2025 dated 28.05.2025 are not challenged.



7. In view of the same, this Court does not find any merit in this writ petition. Accordingly, the writ petition is dismissed. No costs.

As a sequel, miscellaneous applications if any, stands closed.

SD P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI D.JAGAN MOHAN REDDY, Advocate [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
3. Two CCs to GP FOR IRRI & CAD, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to SRI P.KRISHNA REDDY, SC FOR MPCL [OPUC]
5. Two CD Copies

PSK.
GJP



2025:TSHC:46655

HIGH COURT

DATED:03/11/2025

ORDER

WP.No.17657 of 2025



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

19
Asu
15/12/25