

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 1076 OF 2015

17-12-2015

Between:

Kommu Shanker Rao

... Appellant

And

The State of Telangana, rep., by its Principal Secretary (Revenue
Department), Secretariat, Hyderabad and others

... Respondents

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AND
HON'BLE SRI JUSTICE S.V. BHATT
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WRIT APPEAL No. 1076 OF 2015

PC: (per the Hon'ble Sri Justice S.V. Bhatt)

Heard learned counsel for the appellant and learned Government Pleader for Revenue (TS) for the respondents.

The unsuccessful petitioner in Writ Petition No.35753 of 2015 is the appellant. The appellant prayed for the following relief:

“.....**writ of Mandamus** by declaring the illegal action of all the respondents who send proposal for allotment of Gramakantam public utility lands in Sy.No.5 in Mustikuntla village to Masique against the resolution of the Grampanchayat and larger public interest deprived the rights of PACS development is illegal, improper without jurisdiction or right and violation of natural justice and the proposed action for allotment of lands to Masique is liable to be set-a-side and consequently direct the 2nd respondent to ratify the resolution of the Grampanchayat Dt.4-7-2015, by approving to allotment of lands in Sy.No.5 in Mustikuntla Village to the Primary Agricultural Co-operative Society for construction of Godown for the larger public interest/PACS and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

The cause of action in the writ petition is against the recommendation of 4th respondent through communication

Rc.No.B/598/2015, dated 04-07-2015 to the Revenue Divisional Officer for alienation of petition plot to third party. The case of the appellant is that the 4th respondent disregarded earlier allotment of very same plot in favour of Primary Agricultural Cooperative Society for construction of a godown for the larger benefit of farmers and on the mere asking of this plot by one particular community from Mustikuntla Village has made the proposal, assailed in the writ petition. It is further alleged that there is every possibility of the proposal being considered and sanction made to latest applicant.

On the other hand, learned Government Pleader draws our attention to Section 101 of Telangana Land Revenue Act and contends that the authorities will consider and appropriate decision will be taken.

Through the order impugned in the appeal, the learned Judge has dismissed the writ petition on the ground that the grievance canvassed in the writ petition is premature. Though we are in agreement with the view of learned single Judge, having regard to the material placed on record and the apprehension voiced by the appellant, we are satisfied that the writ appeal can be disposed of by this order:

“The District Collector, Khammam/respondent No.2 is directed to consider the representation of Muslim Community for allotment of petition plot and the objections of the appellant or farmers from the same village against allotment to the Muslim Community and for utilisation of land in Sy.No.5 for construction of godown for the benefit of farmers. The 2nd respondent examining the rival claims viz., the necessity to establish a godown or masjid, afford opportunity of hearing to both parties and pass appropriate decision and communicate the same to both parties.”

With the above observation, the writ appeal is disposed of.

Miscellaneous petitions, if any, also stand disposed of. No order

as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

17-12-2015
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