

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7643 of 2015

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ORDER:

This Writ Petition is filed by the petitioner seeking a writ of mandamus declaring the action of the 3rd respondent in not disposing petitioner's petitions, dated 09-01-2009 on merits as directed by Chairman, Land Reforms Appellate Tribunal at Karimnagar in L.R.A.No.1 of 2009, dated 26-09-2014 and respondent Nos.2 and 3 permitting 4th respondent to construct the Telangana NPDCL Sub Station in petitioner's land bearing Sy.No.9 of Gummirial village, Morthad Mandal, Nizamabad District, as illegal, arbitrary and against principles of natural justice and consequently direct respondent No.3 to dispose of the petitioner's petitions, dated 09-01-2009 as directed by the Chairman, Land Reforms Appellate Tribunal at Karimnagar and further direct respondent Nos.2 to 4 not to make any construction in petitioner's land bearing Sy.No.9 of Gummirial village, Morthad Mandal, Nizamabad District.

It is the case of the petitioner that he is the owner and possessor of the agricultural lands, situated at Gummirial Revenue village of Armoor Old Taluq and Venkatraopet village of Old Metpally Taluq, filed a declaration as per the provisions of A.P. Land Reforms Act (for short, 'the Act'), before the Land Reforms Tribunal at Nizamabad. As per the order, dated 22-12-1978 passed by the Land Reforms Tribunal, Nizamabad in C.C.No.973/AMR/75, the petitioner was declared as excess

landholder under Section 9 of the Act. On 16-03-2009 the petitioner filed a petition under Rule 16 (5) (B) of the Act before the 3rd respondent to rectify the mistake of mentioned area and the said petition was kept un-decided, as such he filed a reminder representation on 09-01-2009 and also filed another petition on 09-01-2009 stating that the lands proposed to be localized under Pochampally S.R.S., Project are still continued to be dry lands as water not reaching to his lands, as such his increasing holding computation to an extent of 0.4363 standard holding is to decide on merits. The Land Reforms Tribunal did not consider the said objections and the same came to be challenged by the petitioner before the Land Reforms Appellate Tribunal. The said Land Reforms Appellate Tribunal set aside the order of the Land Reforms Tribunal and directed the Tribunal to dispose of the petition on merits. In spite of the fact that the said order has come to be passed on 26-09-2014 the primary Tribunal had not take any steps and in the meanwhile, the 4th respondent is proceeding with the construction work.

Heard Sri V.V. Ramana Rao, learned counsel for the petitioner and learned Government Pleader for Revenue and perused the material available before this Court.

A perusal of the order of the Land Reforms Appellate Tribunal in L.R.A.No.1 of 2009 reveals that the petitioner was determined excess holding of 1.8486 standard holdings in the notices came to be issued to surrender the land and as the petitioner did not chose to specify the lands which are proposed to be surrender the primary authority had specified the lands which

are proposed to be taken and notice was published as required under the Government rules and possession taken. It was also reveal that in 2001 the lands were allotted to certain beneficiaries and also to Government institutions as per proceedings of the District Collector, Nizamabad, dated 31-05-2001.

In the above fact situation, *prima facie*, I am not inclined to restrain respondent No.4 for making any constructions at this stage. However, considering the fact that the original order of Land Reforms Tribunal was on 22-01-2009, which came to be set-aside on 26-09-2014 interest of justice would be served by giving a direction to the third respondent to dispose of the petitions, dated 09-01-2009 filed by the petitioner both in relation to correction of arithmetical error and also with respect to classification. The said applications may be disposed of within a period of eight (8) weeks from today without fail.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

March 24, 2015

*Note: Issue C.C. by
one week. B/o.PN*

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