

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.8696 of 2015

BETWEEN

M. Laxmamma and others.

... PETITIONERS

AND

The Collector, Ranga Reddy, Lakdikapool, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 30.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

Petitioners filed this writ petition seeking a Writ of Prohibition against the proceedings initiated by respondents 3 to 7 before the second respondent under Section 32 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act (for short 'the Act'). A notice of the said proceedings was issued to all the parties including the petitioners under Form X read with Rule 15 of the Rules framed under the Act under proceedings of the second respondent in File No.B/1581/2014 dated 12.12.2014.

2. Petitioners have stated to have appeared before the second respondent, filed their counter and have raised all their pleas opposing the application of respondents 3 to 7. However, petitioners have also approached this Court seeking a Writ of Prohibition restraining the second respondent from entertaining and disposing of the said case on the ground of lack of jurisdiction.

3. On 31.03.2015, when the writ petition was heard by this Court, the following order was passed:

"Rule Nisi. Call for records.

Notice returnable in four weeks.

Considering the nature of relief which is sought, I am not inclined to interdict the proceedings as such, for the proceedings are in accordance with law. However, pending further orders in this miscellaneous petition, the proceedings before the 2nd respondent may go on, but not final orders shall be passed by the 2nd respondent.

Notice.

Petitioners' counsel shall take out personal notice on respondents 3 to 7 by RPAD and file proof of service."

4. Since vacate petition is filed by the contesting respondents 3 to 7, I have heard the learned counsel for the petitioners, learned Government Pleader and learned counsel for contesting respondents 3 to 7.

5. After hearing the learned counsel for the petitioners at length, I am not able to see any ground being made out by the petitioners warranting a Writ of Prohibition to be issued, particularly, when the second respondent is a statutory authority under Section 32 of the Act and is exercising his statutory jurisdiction.

6. Learned counsel for the petitioners states that there are several reasons why the petitioners were apprehensive of the manner in which the said power will be exercised by the second respondent.

7. It is, however, difficult to accept the said ground as justification for issuance of a Writ of Prohibition, as there is no ground to show that the second respondent is deprived of his inherent jurisdiction to entertain and dispose of the said application of respondents 3 to 7 filed under Section 32 of the Act.

8. Alternatively, learned counsel for the petitioners states that the petitioners have raised several grounds in their objections including preliminary objection and the contention that there is an unreasonable delay on the part of respondents 3 to 7 and that the land, in question, is no more an agricultural land and thereby, under Section 102(e) of the Act, the Act itself has no application.

9. All these questions, however, are mixed questions on fact and law to be determined by the second respondent after conducting appropriate enquiry and after hearing both sides.

Most of the questions are questions in fact and as such, adjudication thereof can only be by an appropriate enquiry by the second respondent. Hence, the primary relief sought for in the writ petition is clearly misconceived and cannot be granted.

The writ petition is, therefore, disposed of directing the second respondent to fix a date of hearing after notice to the petitioners and the contesting respondents 3 to 7 and hear the parties and decide the matter, after taking into consideration the respective pleadings of the petitioners and respondents 3 to 7 and records of the case and pass a reasoned order, in accordance with law, expeditiously.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 30, 2015

DSK