

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 24912 of 2011

ORDER:

-

With the consent of both the parties, the main writ petition is disposed of at the admission stage.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the respondents in trying to interfere/dispossess the petitioner from the land admeasuring Ac.2.36 gts., situated in Sy.No.448 of Taramatipet Village, Hayathnagar Mandal, Ranga Reddy District, as illegal and arbitrary; and consequently direct the respondents not to dispossess the petitioner from the said land.

The deponent herein who is President of the petitioner committee, along with other villagers of Taramatipet Village, made a representation to the first respondent for allotment of land for construction of Sri Beerappa Temple. Accordingly the first respondent allotted the above said land and physical possession was also given. The deponent along with other villagers, constructed three temples in the said land and they are regularly performing service to the deity apart from regularly conducting Jatara and Bonalu. While things stood thus, A.P.Kurma Sangam made a representation to the first respondent for allotment of land for construction of a temple of their caste deity and pursuant there to the first respondent allotted land admeasuring Ac.7.00 situated in Sy.No.448 of Taramatipet Village, Hayathnagar Mandal, Ranga Reddy District, which is classified as Sarkari Poromboke. The Mandal Revenue Inspector Hayatnagar executed a panchanama and delivered physical possession of land admeasuring Ac.5.00 to Somu Bikshapati. The petitioner constructed three small temples in the year 2000 and installed Beerappa, Mahankali and Pochamma Deities therein and all the villagers are performing the rituals therein. Apart from

that, every year Jatara and Bonalu are conducted. Originally land admeasuring Ac.9.21 guntas was assigned to Uppari Ramaswamy and his six brothers on the ground that they are landless poor. Subsequently, it is revealed that they are not land less poor and that they got assignment by suppressing material facts. Hence the District Revenue Officer, Ranga Reddy District, initiated proceedings and cancelled the assignment granted to Uppari Ramaswamy and others on 30.12.1996. After cancellation of the assignment, the first respondent allotted Ac.7.00 out of Ac.9.21 gts., in favour of the petitioner on 28.08.1997 for construction of a temple.

It is stated that aggrieved by the order of cancellation, Uppari Ramaswamy and six others filed W.P.No.17159 of 1997 and the same was disposed of on 29.07.1997 directing the petitioners therein to file a statutory appeal before the Commissioner (Appeals), Namapally, Hyderabad. The said appeal filed by them was dismissed on 19.02.2000. Questioning the same, they filed W.P.No.21126 of 2000. By an order dated 17.09.2011 this Court remanded the matter to the appellate authority to give an opportunity of hearing to all the parties. After hearing the matter, on 27.04.2004, the appellate authority confirmed the order of cancellation of assignment made by the D.R.O.

It is also stated that Uppari Ramaswamy and others filed O.S.No.857 of 1999 before the Prl.Junior Civil Judge, Hyderabad, seeking injunction, which was also dismissed on 02.02.2002. While things stood thus, for widening of the road, the authorities have acquired land admeasuring Ac.2.04 gts., out of Ac.5.00 which was given to the petitioner and now left with only Ac.2.36 gts., only. On 29.08.2011 respondent Nos.2 and 3 along with their staff came to the land and started taking measurements and tried to take possession by erecting survey stones. Challenging the action of respondent Nos.2 and 3 the present writ petition is filed.

No counter is filed on behalf of the respondents. The Government Pleader denies the allegation that respondent Nos.2 and 3 have forcibly acquired the land.

Learned counsel for the petitioners submits that the respondents may be directed to follow due process of law before taking any coercive steps.

Having regard to the circumstances stated above and without going into the merits of the case, the writ petition is disposed of directing the respondents to follow due process of law before taking any coercive steps against the land which was allotted by the Government for construction of a temple. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12.08.2015

gkv