

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No. 19342 of 2012**

**ORDER:**

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Heard learned counsel for the petitioner and Government Pleader for Assignment. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the report of the second respondent dated 30.06.2011 submitted to the first respondent and consequential action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner over the land admeasuring Ac.2.10 gts., in Sy.No.287/1 of Gummudur Village, Mahaboobabad Mandal, Warangal District, as arbitrary, illegal and violative of principles of natural justice; and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner over the said land.

The averments in the affidavit filed in support of the writ petition would show that the father of the petitioner namely Parvathalu was landless poor person and pursuant to his representation the government assigned land admeasuring Ac.1.30 gts., in Sy.No.287/72 and 287/138 situated at Gummudur Village. As land adjacent to the said assigned land was also a government land, the father of the petitioner made a request, pursuant to which the Tahsildar permitted him to cultivate the same. As such, the parents of the petitioners were in occupation of the government land admeasuring Ac.4.00 since 1952 onwards. After the demise of the father of the petitioner in the year 2003, the land assigned to him devolved upon the petitioner and since then he has been cultivating the same. Then, the mother of the petitioner made an application to assign the land which was in her occupation; which was considered by the then Assignment Committee and a possession certificate was also issued in favour of the mother of the petitioner. In the year 2007 the mother of the petitioner died. Thereafter, the petitioner made an application to mutate his name in respect of the land which was in possession of his mother and the same was considered. While things stood thus, on instructions of the first respondent, the

second respondent served a report to him stating that the assignment made in favour of the father of the petitioner was inherited by him and the land admeasuring Ac.2.10 gts., which was assigned in the name of mother of the petitioner was not approved by the Assignment Review Committee and further the assignment lands are left fallow and consequently recommended to cancel the assignment and resume the land. Challenging the same the present writ petition filed.

Learned counsel for the petitioner submits that the land was assigned to the mother of the petitioner and since 2005 they are in possession of the petitioner. He placed on record the letter Rc.No.B/655/2015 dated 18.04.2015 addressed by the Tahsildar, Mahaboobabad to the Station House Officer, Mahaboobabad Town Police Station, stating that the mother of the petitioner is in possession of the land admeasuring Ac.2.10 gts. in Sy.No.287/1/1.

Per contra the learned Government Pleader for Assignment strenuously opposed the application contending that the Assignment Review Committee never approved the assignment of land in favour of the mother of the petitioner and the said order is obtained by playing fraud.

As seen from the record no action has been initiated by the first respondent pursuant to a letter dated 30.06.2011. As referred to earlier, the second respondent recommended for cancellation of assignment of patta in Sy.No.287/1 admeasuring Ac.2.10 gts.; to resume the government land and redistribute among the poor people of the Mandal. It is stated that till date no orders are passed canceling the assignment made to the mother of the petitioner. By an order dated 03.07.2012 this Court while issuing notice before admission granted status-quo with regard to possession of the subject property. In view of the above, it is stated by the learned counsel for the petitioner that the petitioner is in possession of the property.

Having regard to the circumstances stated above, the writ petition is disposed of directing the first respondent to pass orders pursuant to the recommendations made by the second respondent, in accordance with law, after hearing the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such time, the order of status-quo granted earlier by this Court shall remain in force. No order as to costs.

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

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**JUSTICE C. PRAVEEN KUMAR**

28.09.2015

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