

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.35169 of 2015

BETWEEN

Neerudi Shivaiah and two others.

... PETITIONERS

AND

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

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 17.11.2015

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, who claim to be legal heirs of one Neerudi Laxmaiah, state that the said Laxmaiah was pattadar and possessor of land in an extent of Ac.5.00 guntas in Sy.No.49/8 situated at Gajularamaram village, Quthbullapur Mandal, Ranga Reddy District and after him, the petitioners have succeeded to the said property.

It is stated that, while so, the fourth respondent passed resumption order dated 17.08.1996 on the impression that the alignees from the said assignee are in possession of the land, while, in fact, the legal heirs of the original assignee are in possession. The said resumption order, however, was questioned in a review petition before the third respondent, which was also dismissed on 18.10.2003. Petitioners state that they have filed an appeal before the second respondent in case No.BCW5/314/2004 and the same is still pending.

2. Petitioners state that the very same resumption order with respect to other assignee was set aside by this Court in **ANNAPURNA CO-OP HOUSING SOCIETY v. COMMISSIONER OF LAND REVENUE** and that in view of the said judgment, the resumption order against the petitioners is also not sustainable and consequently, seek restoration of the land to them. Petitioners further state that they have filed two representations before the District Collector and the Tahsildar dated 05.09.2015 and 03.10.2015 respectively and since no response was received from respondents 5 and 6, the present writ petition is filed.

3. Though the learned Government Pleader has taken time to get instructions in the matter,

no instructions are forthcoming.

The decision of this Court, referred to above, holds that the power under Section 166-B of the A.P. (Telangana Area) Land Revenue Act cannot be exercised and applying the said ratio to the case on hand, the order of resumption impugned herein cannot be sustained, as the impugned order in the decision referred to above and in the present case are self-same proceedings issued against different assignees and the same is accordingly set aside. In view of the above, it is appropriate to direct the fifth respondent to consider the representations of the petitioners and issue appropriate directions to the sixth respondent expeditiously and in any case, within a period of two (2) months from the date of receipt of a copy of this order.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 17, 2015

DSK