

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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W.P. No. 41093 of 2014

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DATE: 27.01.2015

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Between:

P. Narsimha and two others
..Petitioners

and

1. The State of Telangana
2. The District Collector
3. The Revenue Divisional Officer
4. The Tahsildar

Respondents

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ORDER:-

The petitioners claim that they are in peaceful possession and enjoyment of an extent of Ac.1.23 guntas of land in Sy.No.244 situated in Pedda Amberpet village, Hayathnagar Mandal, Ranga Reddy District which was originally allotted to their father under the Lavoni Rules.

After the demise of the petitioners' father on 30.08.2004, they succeeded to the property and got an extent of Ac.0.63 guntas each. While so, it is stated that the 4th respondent-Tahsildar got issued a notice dated 19.01.2007 alleging that the petitioners alienated the property to some other persons. In spite of the explanation dated 31.01.2007 submitted by the petitioners denying the allegations, the 3rd respondent-Revenue Divisional Officer, without verifying the records, passed an order dated 07.04.2007 resuming the entire extent of land to the Government on the ground that the petitioners alienated the property. Challenging the resumption order, the petitioners preferred a statutory appeal before the 3rd respondent. Pending adjudication of the appeal, as the respondents are trying to interfere with the possession of the petitioners, they filed W.P.No. 20093 of 2010, and this Court, by order dated 17.08.2014, disposed of the writ petition directing the respondents not to interfere with their

possession over the land till the disposal of the appeal.

Now, the petitioners' grievance is that in spite of the orders of this Court in the writ petition, the respondents, on 28.12.2014, threatened to dispossess the petitioners from the land in question. Hence, the present writ petition is filed seeking appropriate directions.

This Court, by order dated 22.01.2015, directed the 4th respondent-Tahsildar to be present before this Court with relevant record on 27.01.2015. In pursuance of the direction of this Court, the 4th respondent has produced the record.

Heard the learned counsel for both the parties and perused the material placed on record.

The record discloses that From No.1 dated 19.01.2007 was issued by the Deputy Collector and Mandal Revenue Officer, Hayathnagar Mandal, which was received by the

1st petitioner on 25.01.2007 as is evident from his signature on the record acknowledging receipt thereof.

The learned Government Pleader for Revenue submits that possession of the property has been taken over by the Government immediately after resumption orders are passed by the

3rd respondent. However, when this Court has insisted on production of panchanama proceedings, the learned Government Pleader is unable to produce the same.

In the circumstances and in view of the fact that the statutory appeal preferred by the petitioner before the 3rd respondent is pending adjudication, this Court deems it appropriate to dispose of the writ petition with the following direction:

“The 3rd respondent-Revenue Divisional Officer is directed to consider and dispose of the appeal said to have been preferred by the petitioners after giving them an opportunity to put forth their version, within a period of three weeks from today. Till such time, the land in question shall not be alienated or allowed to be sold to any third party. The learned Government Pleader for Revenue undertakes to inform the 3rd respondent about the order of this Court through a letter which shall be construed as a communication of the order from this Court.”

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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RAM, J
27.01.2015

CHALLA KODANDA

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