

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.9437 OF 2005

DATED 24th APRIL, 2015

Between:

Kasula Lachavva .. Petitioner

and

The District Collector, Medak District

At Sangareddy and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.9437 OF 2005

ORDER

This writ petition was filed assailing the action of the respondent authorities in issuing the auction notification dated 16.04.2005 proposing to put to auction the plots bearing Nos.35/1 and 35/2 in Sy.No.1906 of Siddipet, Medak District.

The case of the petitioner was that the subject plots of land admeasuring Ac.1.30 guntas were assigned to her. The proceedings of the Mandal Revenue Officer, Siddipet, dated __.9.1996 and the assignment patta dated 12.09.1996 were produced in support of the petitioner's claim.

Taking note of the aforestated facts, this Court granted interim stay of the auction in respect of the petitioner's land on 28.04.2005. Thereafter, the State of Telangana was impleaded as the fourth respondent by order dated 06.04.2015 passed upon the petition filed by the writ petitioner. Though the learned Government Pleader for Revenue sought time to get instructions in the matter, no counter-affidavit has been filed till date.

As the material placed on record clearly indicates that the petitioner was assigned the subject land, it appears that the tender notice dated 16.04.2005 was issued in respect of the petitioner's assigned land erroneously by treating the same as Government land. The impugned auction notice was, in any event, not given effect to in so far as it pertains to the subject land by virtue of the interim order.

The writ petition is therefore allowed setting aside the auction notification dated 16.04.2005 in so far as it pertains to the petitioner's assigned land. This order shall however not preclude the authorities from taking appropriate action, if warranted, in accordance with the due procedure laid down by law in so far as the petitioner's assigned land is concerned. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

24th APRIL, 2015

Sv