

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18409 of 2009

Dated : 02.02.2015

Between:

Bejgam Nagabhushanam S/o.Venkata Narsimulu,
Aged 70 yrs, R/o.H.No.5-6-573/7B2, Nizamabad,
Nizamabad District & 2 others

.. Petitioners

And

The Tahsildar, Mudhole,
Mudhole Mandal, Adilabad District.

.. Respondent

This Court made the following :

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WRIT PETITION No.18409 of 2009

ORDER :

When the petition to expedite the hearing of writ petition is taken up for

consideration learned counsel for the petitioners and learned Government Pleader prayed to dispose of the writ petition.

2. This writ petition is filed challenging the notice No.F/3889/2008 dated 19.08.2008 issued by the Tahsildar, Mudhole, informing the petitioners that an enquiry is scheduled to be held on 23.08.2008 in Tahasil Office, Mudhole, and petitioners were directed to attend the enquiry with documentary evidence, if any, in support of their case.

3. Learned Counsel for the petitioners submits that the property in Survey No.500 of Basar Village is a private patta land and a false complaint is generated only to harass and humiliate the petitioners; that the complaint is not maintainable and consequential notice issued is also not maintainable.

4. This Court by order dated 03.09.2009 granted interim stay as prayed for.

5. The Tahsildar, Mudhole, filed counter affidavit. In Para 5 of the said counter, it is averred that as per the Khasra Pahani for the year 1954-55 and pahanies for the year 1951-52, 1952-53 and 1953-54, the land in Survey No.500 is recorded as Patta Land. It is the categorical assertion that the land is not a "Khdmathi Inam". It is further averred that a notice was issued to the petitioners with a bonafide intention to verify the records since a complaint was lodged by the Upasurpanch as per the directions of the District Collector, contending that the land claimed by the petitioners is a Wakf Land. It is further averred that final orders could not be passed because of the pendency of the writ petition and the petitioners failed to attend the enquiry.

6. Having regard to the specific averments in the counter affidavit filed by the respondent, the apprehension expressed by the petitioners is not valid.

7. However, what is challenged in the writ petition is only a notice which according to the Tahsildar is issued only for the purpose of ascertaining the truth on status of land in issue. The petitioners ought to have waited till orders are passed by Tahsildar, instead of rushing to the Court.

8. Having regard to the above, the writ petition is disposed of directing the Tahsildar, Mudhole, Adilabad District, to pass final orders on the notice issued on 19.09.2008 after affording due opportunity to the petitioners, as expeditiously as possible preferably within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

9. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

P.NAVEEN RAO,J

2nd February, 2015
Rds