

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20248 of 2009

Date: 11.03.2015

Between:

Smt. Meena B.Shingala, W/o.Bharat D. Shingala,
Aged about 51 years, r/o.1-8-472, Dilsukhnagar,
Hyderabad.

.. Petitioner

AND

The Special Grade Deputy Collector and Revenue
Divisional Officer, R.R.East Division, R.R.District
and others.

.. Respondents

The Court made the following:

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ORDER:

Petitioner challenges the order dated nil-06.2009, whereby the Tahsildar, Uppal Mandal, was authorized to take possession of the land from the petitioner and others, who were declared as land grabbers. Petitioner challenges this order on the ground that the direction to evict and demolish structures and to take possession of the land, was taken up without prior notice and opportunity to the petitioner.

2. The case of the petitioner is that she purchased the house plot on 18.10.2007 from M.Madhav. Prior to this purchase there were several sale transactions on the subject plot and the other plots in Sy.No.210 of Kothapeta Village under Nagole Gram Panchayat. Petitioner claims to be the *bona fide* purchaser. The contention of the petitioner is that being *bona fide* purchaser, purchased the plot by paying sale consideration and constructed a compound wall, put up gate and constructed a room. Neither petitioner nor her vendors were parties in L.G.C.No.183 of 1996 on the file of Special Court under A.P.Land Grabbing, Hyderabad nor an opportunity was afforded before taking the extreme course of dispossessing the petitioner and in demolishing the structures.

3. At the stage of admission, this Court granted order of *status quo* and it operates as on today.

4. In response to the notice issued, the Tahsildar, Uppal Mandal (2nd respondent) filed counter-affidavit. The case of the 2nd respondent is that the owner of the land by name, M.Sriramulu filed L.G.C.No.183/1996 before Special Court for Land Grabbing.

The L.G.C. was dismissed by judgment dated 30.04.2002. Aggrieved thereby, the legal heirs of original owners filed W.P.No.20351 of 2003. The said writ petition was allowed by judgment dated 28.03.2007 by the Division Bench of this Court setting aside the order of the Special Court for Land Grabbing and granted the relief as prayed for. Alleging that the judgement of this Court is not complied with, petitioner filed I.A.No.200 of 2009 in L.G.C.No.183 of 1996. Accordingly, steps were taken for evicting the illegal occupants, to hand over vacant possession of subject land to the owners of the land by issuing Order of June, 2009. It is further contended that in compliance to the contention that no notice was issued before taking steps to dispossess the parties, notice was issued on 21.10.2009 and in view of the notice, the cause in the writ petition does not survive.

3. Learned Assistant Government Pleader submits that no writ petition is filed challenging the said notice issued by the Tahsildar.

4. Learned counsel for the 3rd respondent submits that even the vendor of the petitioner purchased the land in February, 2007, by which time Writ Petition was pending and the writ petition was allowed on 28.03.2007 i.e., even before the petitioner

purchased the land the judgment was rendered declaring the vendors vendors of the petitioner as unauthorized occupant and land grabber. These sale transactions made are invalid and therefore no right is vested in the petitioner to contend that petitioner should be issued notice and should not be evicted.

5. As seen from the averments in the counter-affidavit and the material enclosed to the counter-affidavit, contention of the petitioner that no notice was issued before seeking to evict the petitioners is since complied with by issuing notice to the petitioner on 21.10.2009. In view of the fact that notice was already issued on 21.10.2009, the writ petition does not survive.

6. The writ petition is accordingly dismissed. However, it is open to the petitioner to file her objections against the notice dated 20.10.2009 for eviction of the petitioner and taking possession of the subject land. There shall be no order as to costs.

Miscellaneous petitions if any pending in the writ petition shall stand closed.

Date : 11.03.2015
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