

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.8784 OF 2011

ORDER:

Heard the learned counsel for petitioners, learned Government Pleader for Revenue (Telangana State) appearing for respondent No.1 and the learned Standing Counsel appearing for respondent No.2 Gram Panchayat.

2. With the consent of both the parties, the Writ Petition is disposed of.

3. This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of the respondents in trying to dispossess the petitioners from the land in Sy.No.283/33 admeasuring Ac.2.00 guntas situated at Abdullapur Village, Hayatnagar Mandal, Ranga Reddy District, by erecting poles with a view to grant pattas to the third parties treating it as Government land, as illegal and arbitrary, and consequently, to direct the respondents not to dispossess the petitioners from the said land without following the due process of law.

4. The averments in the affidavit filed in support of the writ petition are as under:

The land referred to above was assigned in favour of one Mandugula Sambaiah, S/o.M.Anjaiah, who was in occupation of the said land for the past several years. It is stated that the said land was assigned by the then Tahsildar, Hayatnagar Taluq under the Lavoni Rules issued by the Government in G.O.Ms.No.1406, dated 26.7.1958, read with Government Orders issued in G.O.Ms.No.1724, dated 26.3.1959. It is stated that the assignees made a representation to the survey authorities seeking issuance of supplementary sethwar and the same has been issued by the Assistant Director (Survey &

Settlements), Ranga Reddy District in the year 1983. Consequently, the revenue authorities implemented the Jamabandi in the village records in the year 1987-88 as patta land. Later, Sambaiah made an application to the Mandal Revenue Officer (M.R.O.) for issuance of pattadar pass books and title deeds. After following the procedure prescribed under the A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971 and the Rules contemplated thereunder, the title deeds and pattadar pass books were issued.

It is stated that due to family necessities, all the assignees made a representation to the revenue authorities seeking permission to dispose of the land and also to change the land use. The Revenue Divisional Officer, after calling for a report from the M.R.O., was pleased to accord permission vide proceedings, dated 27.10.1993.

While things stood thus, the M.R.O., Hayatnagar, Ranga Reddy District started trying to dispossess Sambaiah without following the procedure under the law. Hence, he filed W.P.No.24157 of 2007 and this Hon'ble Court, while admitting the writ petition, granted *status quo*. Since the Sub-Registrar has refused to receive the sale deed and register the same without any valid reasons, Sambaiah filed W.P.No.337 of 2008 before this Court and the same was disposed of on 18.1.2008 directing the Sub-Registrar to receive the document and register the same. The Sub-Registrar was directed to make an endorsement to that effect, record reasons and communicate the same to the petitioner therein. Since the said order was not complied with, C.C.No.1131 of 2009 came to be filed before this Court.

It is urged that having regard to the existence of disputes, the respondents herein are taking advantage of the situation and are making preparations to assign the same to the third parties. Hence, the present writ petition.

5. The only limited request which is sought for by the petitioners is to give a direction to the respondents not to dispossess the petitioners without following the due process of law.

6. Learned Government Pleader for Revenue submits that if any action is taken, it will only be in accordance with law.

7. Without going into the merits of the case and taking into consideration the submission made by the learned Government Pleader, the Writ Petition is disposed of directing the respondents not to dispossess the petitioners from land in Sy.No.283/33 admeasuring Ac.2.00 guntas situated at Abdullapur Village, Hayatnagar Mandal, Ranga Reddy District, without following the due process of law. It is made clear that any observations made in the order will not have any effect on the proceedings which are pending. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 28.12.2015

AMD

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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