

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1985 of 2011

ORDER:

Challenging the action of the respondents 1 and 2 in trying to construct concrete pillars in the land of the petitioner at the instance of the un-official respondents 3 to 10, this writ petition is filed.

The case of the petitioner is that he purchased the agricultural land admeasuring Ac.2.07 gts in Sy.Nos.23/C and Ac.6.16 gts in Sy.No.24, Ghanpur Village, Medchal Mandal, Ranga Reddy District, through a registered sale deed dated 10.08.2007 from his vendor Erupula Lakshmaiah who is the patta holder under Section 38-E of A.P (Telangana Area) Tenancy and Agricultural Lands Act (for short, "the Act"). The petitioner had also purchased an extent of Ac.4.36 gts through an agreement of sale deed dated 23.09.2009 from his vendor Nagi Reddy Siddharth Reddy, who is the patta holder under Section 38-E of the Act. Thereafter, the petitioner applied to the Tahsildar-1st respondent on 07.06.2008 to enter his name in the revenue records by paying necessary mutation fees. But the 1st respondent did not choose to enter the name of the petitioner in the revenue records. Thereafter, the petitioner filed a Writ Petition No.27014 of 2010 seeking a direction to the respondents therein to issue pattadar pass books and title deeds in favour of the petitioner by mutating his name in the revenue records in respect of the above said lands. This Court by an order dated 09.11.2010, disposed of the writ petition with a direction to the respondent No.3-Tahsildar, Medchal Mandal, Ranga Reddy District to consider the application of the petitioner for issue of pattadar pass books and title deeds and communicate the decision to the petitioner within a period of two months from the date of receipt of copy of the order. The 1st respondent did not take any steps to

enter the name of the petitioner in the revenue records so far. While so, the respondents 3 to 10 at the instance of the respondents 1 and 2 came to the lands of the petitioner and tried to construct concrete pillars within the boundaries of the land of the petitioner and when the petitioner raised objection about the illegal acts of respondents 3 to 10, they threatened the petitioner with dire consequences. Then immediately, the petitioner approached the District Collector concerned against the illegal acts of the respondents 1 and 2, but there was no action. Hence, the present writ petition.

Counter-affidavit has been filed by the 4th respondent on his behalf and also on behalf of respondents 3, 7 and 10 denying the allegations made in the affidavit filed in support of the writ petition. It is stated in the counter-affidavit that by order dated 09.11.1977, the D.R.O had cancelled all the 38E certificates issued in favour of the vendor of the petitioner. At any rate, the respondents 3,4,7 and 10 submit that the subject land is their land and the allegations of interference are created only for the purpose of writ petition.

The learned Assistant Government Pleader for Revenue submits that it is totally a false statement that the respondents 1 and 2 are either interfering with the subject land or aiding the respondents 3 to 10. He further submits that it is purely a matter between the petitioner and the respondents 3 to 10 and the Government has nothing to do with the land in issue.

Having considered the rival submissions and having perused the pleadings one thing is clear that, on the one hand, the petitioner claims to have purchased the subject land; but on the other, the respondents 3 to 10 claim that the subject land is in their possession. The various facts which have been mentioned in the counter-affidavit filed by the respondents 3,4,7 and 10 having not been denied or controverted by way of a reply. At any

rate, in the light of the stand taken by the respondents 1 and 2 that they have not interfered with the subject land and in the absence of any other material, even prima facie to come to a conclusion that the respondents 1 and 2 have aided the respondents 3 to 10, the writ petition does not deserve any consideration.

In the facts of the case, the disputes between the petitioner and the respondents 3 to 10 are purely of civil in nature and the petitioner is at liberty to take appropriate legal proceedings before the appropriate Forum, as may be advised.

Accordingly, the writ petition is dismissed. The Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date:19.03.2015.

Gk.

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