

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 9421 of 2011

ORDER:

-

Heard learned counsel for the petitioner and learned counsel for the respondents. With the consent of both the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed to declare the action of the respondents in trying to demolish the school building-cum-residence admeasuring Acs.2.12 guntas in Survey No.287/81, situated at Mahabubabad Village and Mandal, Warangal District as illegal and arbitrary and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's school building-cum-residence in the aforesaid building.

The averments in the writ petition are that the petitioner purchased the land admeasuring Acs.2.12 guntas in Survey No.287/81 situated at Mahabubabad Village and Mandal, Warangal District from one Chapala Suseelamma on 27.04.1993, and possessed the same after paying the entire sale consideration. It is stated that in the said land the petitioner has not only constructed her house, but also running a school since 1993. It is stated that the respondents are now trying to dispossess the petitioner from the said premises and also threatening to demolish the school building on the ground that the petitioner has no right over the said land. Questioning the action of the respondents, the present Writ Petition came to be filed.

Learned Government Pleader filed his counter stating that originally the assignment sub-division No.287/81 was in the name of one Nutakki Veeraiah and subsequently mutated in favour of Chapala Susheela Bai and being recorded as Laoni pattadar in patta column to an extent of Acs.5.10 guntas and in cultivation column as Abadi in the pahanies from 1971-72 onwards. It is stated that Gummudur is the revenue village and the gram panchayath is only one for both Gummudur and Mahabubabad Villages of Mahabubabad Mandal. It

is stated that the assignment was made for agriculture purpose only, but subsequently, due to development of Mahabubabad city including Gummudur Village which is located nearby to the city and due to abnormal raise in land values, the original assignees started selling their lands at higher rates to persons other than assignees for house site plots by violating the assignment rules and conditions. As a result, action is being taken by resumption of lands under Prohibition of Transfer Act, 1977 and the illegal constructions made are being demolished by giving prior notices as per the orders of the Joint Collector, Warangal.

Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to the respondents to follow due process of law without taking any action against them.

On the other hand learned Government Pleader submits that it is only apprehension on the part of the petitioner that respondents are trying to demolish the building and dispossess the petitioner from the land and that no action is initiated till date.

It is useful to extract relevant paragraph of the counter affidavit, which is as under:

“it is submitted that as alleged by the writ petitioner herein the respondents never tried to demolish the school building-cum-residence existed in Survey No.287/81 of Gummudur Village (but not in Mahabubabad Village as stated by the writ petitioner) on political motivations and pressure and cannot be initiated any action on the private school established and constructed by the writ petitioner covered by several poor children studying in it on mercy grounds even though the writ petitioner herein violated the assignment rules in respect of Government lands. Hence, the allegations of the writ petitioner may not be taken into account and liable for cancellation.”

Recording the said submissions made in the counter affidavit, the writ petition is disposed of directing the respondents to follow due process of law before initiating any action against the petitioner in respect of land admeasuring Acs.2.12 guntas in Survey No.287/81 situated in Mahabubabad Village and Mandal, Warangal District. No costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition

shall stand closed.

JUSTICE C. PRAVEEN KUMAR

11.08.2015

Note:

Issue CC in one week

B/o.

vhb