

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 13551 of 2011

ORDER:-

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents. With the consent of both the parties, the writ petition itself is heard at the admission stage.

The case of the petitioners is that they are the owners and possessors of land to an extent of Acs.11.00 in Survey No.232 of Mailaram Village, Kodair Mandal, Mahabubnagar District. Originally, the land was inam land and after A.P. (Telanagana Area) Abolition of Inams Act, 1955 (for short 'the Act') came into force, the inams were abolished and occupancy rights certificates were granted in favour of the petitioners. While so, on 27th and 28th of April 2011, the 4th respondent is alleged to have threatened the petitioners to vacate the land so as to assign the same to the weaker sections, without issuing a notification under Section 4(1) of the Land Acquisition Act. It appears that the 1st respondent addressed a letter dated 12.01.2011 to the 2nd respondent calling for certain information with regard to acquisition of land in Survey No.232/2 for the purpose of allotting the same to weaker sections and the said issue is pending before the 3rd respondent. It is stated that the 4th respondent is trying to dispossess the petitioners, without following the due process of law. Questioning the action of the respondents, the present writ petition is filed.

The 3rd respondent filed his counter denying the averments made in the writ petition. It is stated that as per the record of rights, land to an extent of Acs.11.00 cents in Survey No.232 of Mylaram Village is a patta land belonging to Kondal Rao, Hema Chander Rao, Ravi Shankar Rao, Ramakrishna Rao and Shakunthamma. Basing

on a representation made by the Scheduled Caste people of Mylavaram Village for providing house sites, the then Tahsildar, by his letter dated 22.06.2004, sent proposals to the 1st respondent for acquiring land to an extent of Acs.5.00 in Survey No.232/A of Mylaram Village, as the pattadar by name Ramakrishna Rao gave consent for the same. The proposals were approved by the 1st respondent vide proceedings No.G2/45/05 dated 02.05.2008 and possession of the said extent of land was taken on 24.05.2008. Thereafter, the then R.D.O., Nagarkurnool, issued occupancy rights certificates to the petitioners by his proceedings No.1/170/2009 dated 20.04.2009 in respect of Acs.11.00 of land in Survey No.232. The said land has been implemented in the record of rights by the Tahsildar, Kodair Mandal, while excluding the land under acquisition. Therefore, the occupancy rights certificates issued by the then R.D.O., Nagarkurnool have to be cancelled, as the remaining land to an extent of Acs.5.00 was not implemented in the record of rights and the same is under process of providing house sites. It is also stated in the counter that the 4th respondent has not visited the land in Survey No.232 of Mylaram Village on 27th & 28th of April, 2011.

In this case, possession of land to an extent of only Acs.5.00 in Survey No.232 was taken into Government custody, whereas the petitioners state that the respondents are trying to acquire their land to an extent of Acs.11.00 in the said survey number. Hence, the question of threatening and dispossessing the petitioners from the land to an extent of Acs.11.00 in Survey No.232 without following the due process of law, does not arise. In view of the above, I deem it appropriate to direct the respondents to follow due process of law, before taking any steps either for acquiring the land of the petitioners or evicting them from the said land.

With the above direction, the Writ Petition is disposed of. No

order as to costs. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

C. PRAVEEN KUMAR, J

30th June, 2015
cbs

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