

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.3307 of 2015

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Between:

G. Kausalya

PETITIONER

AND

1. State of Telangana, rep. by its Principal Secretary, Revenue Department, Telangana Secretariat, Secretariat, Tank Bund, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed assailing the action of the 2nd respondent in seeking to dispossess the petitioner from Premises No.1-102/2/1, of Kapra, ECIL Post, Keesra Tehsil, Ranga Reddy District, admeasuring 306 sq. yards, without initiating proceedings established under the law, as illegal and arbitrary.

The case of the petitioner is that he is in possession of the house property admeasuring 306 sq. yards bearing Pr.No.1-102/2/1, Kapra, ECIL Post Keesra Tehsil, Ranga Reddy District. The petitioner claims that the said property was purchased by him under registered sale deed dated 20.09.1993 from one Gurajala Lingam S/o. Gurajala Veerabhadraiah, and ever since then he is in possession and enjoyment of the said property. While so, on 04.02.2015 the officials of the 2nd respondent came to his property and threatened him to regularize the plot as per the scheme issued by the Government of Telangana, otherwise they will impose penalty. Hence the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (Telangana) for respondents.

Considering the nature of allegations, this Court on 16.02.2015 while issuing notice before admission, directed the learned Assistant Government Pleader to get instructions.

The learned Assistant Government Pleader produced a copy of the written instructions received from the Tahsildar, Keesara Mandal, dated 6.02.2015, wherein it is stated that the officials of the 2nd respondent, as a part of campaign of the G.O.Ms.No.58 & 59 for regularization of encroachments in the Government land, might have visited the petitioner's property and requested to utilize the

applicability of the said G.Os in order to get right over the property and to avoid further legal complications. It is also stated in the instructions that the 2nd respondent will not dispossess the petitioner without following due process under Land Encroachment Act and there are no mala fides in the subordinate officers in visiting the premises of the petitioner as the Government desired vide publicity to be given to all the illegal occupants to avail the benefit under G.O.Ms.No.58 & 59 as there was limited time prescribed for availing the same.

In the light of the categorical assertion made by the 2nd respondent that the petitioner will not be dispossessed from the property in question without following due process of law, the writ petition can be disposed of.

Accordingly, the writ petition is disposed of with a direction to the 2nd respondent not to dispossess or evict the petitioner from the property bearing No.1-102/2/1, of Kapra, ECIL, Keesra Tehsil, Ranga Reddy District, without following due process of law. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

18th March, 2015
Js.