

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

MONDAY THE FOURTH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 2248 OF 2006

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Between:

Gangi Reddy Venkat Reddy ... Petitioner

Vs.

The Mandal Revenue Officer,
Manuguru Mandal,
Khammam district & Anr. ... Respondents

Counsel for the Petitioner: Sri K. Jagdishwar Reddy

Counsel for the Respondents: GP for Social Welfare

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 2248 OF 2006

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ORDER :

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This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of respondents in evicting the petitioner from his land admeasuring Acs:3-00 in survey No. 138/1579 and 138/1580 of Manuguru village and Mandal, Khammam district, as illegal, arbitrary, without jurisdiction and violative of Article 14, 19(1) (g), 21 and 300-A of the Constitution of India and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. According to the petitioner, he is the owner and possessor of an extent of Acs:3-00 of agricultural land situated in survey No. 138/1579 and 138/1580 of Manuguru village and Mandal, Khammam district and his name is also entered in the revenue records and pattedar passbooks and title deeds have been issued by the Revenue Authorities. It is further pleaded that the petitioner has been cultivating the land for the last three and half decades. Earlier the Special Deputy Collector [Tribal Welfare], Bhadrachalam initiated proceedings under Land Transfer Regulations against the petitioner and two others holding that the provisions of the A.P. [Scheduled Area] Land Transfer Regulations, 1959 would not attract the case, as the transaction took place prior to the advent of the said Regulations.

3. Once again in the year 2005, the second respondent herein

initiated proceedings in respect of the land situated in survey No. 138/1579 and 138/1580 of Manuguru village and Mandal under the Land Transfer Regulations and issued a notice to the petitioner herein, calling upon the petitioner to show cause as to why he should not be evicted. According to the petitioner, he represented before the second respondent that he is not holding any land in survey No.138/1614/6 of Manuguru and he is concerned only with the land in survey Nos. 138/1579 and 138/1580. The second respondent herein vide orders in Case No.193/05/MGGR dated 20/08/2005 ordered ejectment of the petitioner from the land in survey No.138/1614/6 admeasuring Ac:1-00.

4. The grievance of the petitioner in the present writ petition is that under the guise of the said orders passed by the second respondent, the respondent-authorities are seeking to evict the petitioner from the land in survey Nos. 138/1579 and 138/1580 of Manuguru village and Mandal, Khammam district.

5. This Court while issuing Rule Nisi on 07/2/2006 granted interim direction in WPMP.No. 2735 of 2006, directing the respondents not to dispossess the petitioner from Ac:3-00 of land in survey Nos. 138/1579 and 138/1580 of Manuguru village and Mandal, Khammam district. The said interim orders are still subsisting and no counter-affidavit is filed by the respondents, denying the averments and

allegations made in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action. In the absence of any counter, denying the allegations in the writ affidavit, the averments in the writ affidavit are required to be taken as true and correct.

6. In the considered opinion of this court, under the guise of the orders dated 20/08/2005 passed by the second respondent in respect of the land in survey No.138/1614/6, the authorities cannot interfere with the possession and enjoyment of the petitioner in respect of the land in survey Nos. 138/1579 and 138/1580 of Manuguru village and Mandal, Khammam district.

7. Therefore, for the aforesaid reasons, the writ petition is allowed, directing the respondents herein not to evict the petitioner from the land admeasuring Acs:3-00 in survey Nos. 138/1579 and 138/1580 of Manuguru village and Mandal, Khammam district. However, this order will not preclude the respondent-authorities from initiating action in accordance with law. No costs.

8. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

04/01/2016
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 2248 OF 2006

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