

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE A.V.SESHA SAI**

WRIT APPEAL.No.577 OF 2016

Date:22.07.2016

Between:

The District Collector,
Sangareddy, Medak District and others..

.....Appellants/Respondents

And

Rajam (kalal) Lakhmaiah,
S/o late Antaiah, aged about 55 years
and others.

...Respondents/Petitioners

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE A.V.SESHA SAI**

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PC: (Per the Hon'ble Sri Justice A.V.Sesha Sai)

1. This is an appeal filed under Clause 15 of the Letters Patent, challenging the order passed by the learned Single Judge in W.P.No.10205 of 2012, dated 04.02.2016.

2. Heard the learned Government Pleader for Assignment for the State of Telangana for the appellants and Sri C.V.Mohan Reddy, learned Senior Counsel, appearing for Sri S.Srinivas Reddy, learned counsel for the respondents/writ petitioners on record apart from perusing the material available before the Court.

3. The respondents herein filed WP.No.10205 of 2012, seeking the following relief:

“To issue an appropriate writ, order or direction, more particularly one in the nature of Mandamus declaring the action of the Respondent Nos. 1 & 2 in not re-assigning the lands in an extent of Ac.5.09 cents, Ac.0.09 cents, Ac.0.06 cents, Ac.0.16 cents, Ac.0.13 cents, Ac.0.09 cent, Ac.0.08 cents, Ac.0.10 cents, Ac.0.16 cents and Ac.4.00 cents, Ac.2.04 cents and Ac.7.20 cents; Ac.6.23 cents, Ac.1.10 cents; Ac.1.24 cents; Ac.0.21 cents, Ac.1.22 cents; AC.1.15 cents and Ac.1.13 cents in Sy.Nos.421/A, 422/A, 423/A, 424/A, 425/A, 426/A, 427/A, 430/A, 431/A and 432/A, 338/AA, 352, 523, 131/AA, 161, 268, 269/A, 396 and 14, situated at Velimala Village, Ramachndrapuram Mandal, Medak District, inspite of favourable recommendations of the 4th respondent in Letter No. B-36-2003 dated 13-07-2011, as arbitrary, illegal, unjust, violative of the Fundamental and Constitutional Rights guaranteed under the Constitution of India and contrary to the order of this Hon'ble Court dated 04-07-2009 in W.P. No. 20 of 2003, and for a consequential direction to forthwith re-assign the aforesaid lands in favour of the Petitioners.”

4. The Revenue Divisional Officer, Sanga Reddy, Medak District, filed a counter affidavit denying the averments in the affidavit filed in support of the writ petition. The learned Single Judge by virtue of the order under challenge in the present appeal disposed of the writ petition and the operative portion of the said order in the penultimate paragraph, reads as

under:

“Having regard to the circumstances stated above it would be appropriate if each of the petitioner is directed to pay Rs.1,00,000/- to the appropriate authority within 8 weeks from 01.03.2016, in which event the land held by them shall be reassigned in their favour, in accordance with law.”

5. The said order passed by the learned Single Judge is under challenge in the present Writ Appeal.

6. It is contended by the learned Government Pleader that the order passed by the learned Single Judge is erroneous, contrary to law and the material available on record. It is also the submission of the learned Government Pleader that the learned Single Judge erred in directing reassignment of the lands as the writ petitioners failed to file any satisfactory evidence with regard to the payment of loan amounts. It is further argued by the learned Government Pleader that when the ancestors of the petitioners failed to repay the Takkavi loans, the auction was conducted wherein the Government purchased the said lands and became the owner of the lands, and that the mutation was also effected in favour of the Government and the subject lands were recorded in revenue records as Kharij Khata.

7. On the contrary, it is contended by the learned counsel for the respondents/writ petitioners that there is no illegality nor there exists any infirmity in the impugned order, as such, the present Letters Patent Appeal is not maintainable and the appellants herein are not entitled for any indulgence of this Court. It is further contended that since the learned Single Judge assigned valid, cogent and convincing reasons for arriving at the conclusions, the same are not amenable for any judicial review under Clause 15 of the Letters Patent. It is further submitted that since the order under Challenge is a well reasoned order, the same requires no interference of this Court in the absence of any error.

8. There is absolutely no controversy with regard to the reality that the fore-fathers of the petitioners were the owners of the subject lands. The case of the appellants is that the fore-fathers of the petitioners obtained

Takkavi loans from the Government during the years 1956 to 1959 and since they failed to discharge the entire loan amounts, the then Tahsildar assumed possession of the lands as per the Boards Standing Orders. A perusal of the order passed by the learned Single Judge candidly discloses that the learned Single Judge, on through appreciation of various aspects, recorded a categorical finding that the Tahsildar is not able to produce any record, showing either payment or advancement of Takkavi loans in favour of the petitioners. The learned Single Judge also took note of the fact that the writ petitioners have placed before the Court the proof in the form of challan numbers showing remittance of the amounts and also the date of remittance of the said amounts and also found that no contra evidence has been adduced before the Court. The learned Single Judge also took note of the submissions made on behalf of the Government that the petitioners are entitled for reassignment in the event of they being able to show repayment of loan amount. There is also no dispute with regard to the reality that even as on today the writ petitioners are in possession of the property and while disposing the writ petition the learned Single Judge also took into account the submission of the learned counsel for the petitioners that in order to give a quietus to the litigation, the writ petitioners are willing to pay the amount due by them with interest. It is further evident from the impugned order that the learned Single Judge took into consideration the calculation sheet placed on record by the learned counsel for the petitioners, according to which, the total amount including interest payable from 1958 to 30.01.2016 would come to Rs.16,000/-.

9. In fact, after meticulously and thoroughly considering all the aspects, the learned Single Judge passed an equitable order in the interest of all. Therefore, this Court has absolutely no scintilla of hesitation nor any traces of doubt to hold that there are no merits in the present writ appeal and is liable to be dismissed.

10. For the aforesaid reasons, the writ appeal is dismissed, confirming the orders passed by the learned Single Judge. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ appeals shall

stand closed.

DILIP B. BHOSALE, ACJ

A.V.SESHA SAI

Date:22.07.2016

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE

AND

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT APPEAL.No.577 OF 2016

Dated: 22nd July, 2016

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