

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.26538 OF 2012

ORDER:

Heard Mr.V.Tulasi Reddy for petitioner, Assistant Government Pleader for Revenue and Mr.D.Sudharshan Reddy for 5th respondent.

The petitioner prays for Mandamus declaring the proceedings of 4th respondent bearing No.C/330/2009 dated 04.10.2009, as illegal, violative of principles of natural justice and unconstitutional.

With the consent of learned counsel appearing for the parties, without going into the merits, the writ petition is disposed of.

The petitioner applied for transfer of land in an extent of Ac.1-00 in Sy.No.717 of Devaryamjal Village, Shamirpet Mandal, Ranga Reddy District. Fourth respondent through proceedings No.C/330/2009 dated 14.07.2009 accepted the request for transfer, mutated the name of petitioner and issued pattadar passbook/ title deed to petitioner. Through the proceedings impugned in writ petition, the 4th respondent held as follows:

“Through the reference 1st cited, Smt.K.Vara Laxmi, w/o K.Raji Reddy, R/o Devaryamjal village has filed petition supported by xerox copy of registered sale deed stating that she has purchased the land to an extent

Ac.1-00 gts in Sy.No.717 of Devaryamjal Village and requested for transfer of land in her favour. Basing on VRO report mutation orders have been issued vide this office Proceedings No.C/330/09 dated 14.07.2009 and No.PPB/TD were issued. Later on it was noticed that the land in Sy.No.717 total admeasuring Ac.13.14 gts including other land situated at Devaryamjal Village are belongs to Sri Sita Rama Chandra Swamy Temple lands, which are prohibited to sale, as per the following orders:

- 1) Collector, R.R. District Lr.No.F1/555/93 dated 15.07.2005 addressed to Chief Commissioner of Land Administration &

Special Chief Secretary to Government.

- 2) G.O.Ms.No.810 Rev (Endowment 11/1)
Dept. dated 14.01...
- 3) G.O.Ms.No.966 Revenue (Endowment -
11) Dept. dated 16.05.2005.
- 4) G.O.Ms.No.1038 Revenue (Endowment)
Dept. dated 28.05.2005.

In view of the above orders the land in Sy.No.717 of Devaryamjal Village is prohibited to sale the land. Hence, the mutation order issued by this office, dated 14.07.2009 in file No.C/330/2009 is stand cancelled.”

Hence, the writ petition.

Mr.P.Tulasi Reddy contends that the impugned proceeding is without notice to petitioner, illegal, arbitrary and the same is liable to be set aside.

The Assistant Government Pleader fairly states that a look at proceedings dated 04.10.2009 would suggest that the 4th respondent, in fact, did not put the petitioner on notice before either cancelling or withholding the proceedings dated 04.10.2009. He submits that the Tahsildar can be directed to dispose of the application of 5th respondent temple after hearing the petitioner as well. The counsel appearing for the 5th respondent agrees with the submissions of Assistant Government Pleader.

I am satisfied, having regard to the above circumstances and the objection raised by 5th respondent against issue of transfer order, to afford opportunity to both parties, the writ petition can be disposed of by the following order.

The petitioner is given four weeks time from today to submit reply/explanation on the petition filed by 5th respondent in the matter of transfer of subject land or issuing pattadar passbook/title deed to petitioner. The 4th respondent issues notice to petitioner as well as to 5th respondent and disposes of the application without fail within a

further period of two months.

The writ petition is disposed of as indicated above. No costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

Date:20.07.2016

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