

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 16014 OF 2012

ORDER:

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Heard learned counsel for the petitioners and learned Government Pleader for Revenue. With the consent of both the parties the present Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of the respondents in threatening to dispossess the petitioners from their lands admeasuring Ac.1.20 guntas, Acs.3.20 guntas, Ac.1.25 guntas, Ac.1.20 guntas, Acs.2.00 guntas, Ac.1.00 guntas, Acs.4.00 guntas, Acs.2.00 guntas and Acs.2.24 guntas in Survey Nos. 218/20, 218/15, 218/14, 218/19/1, 218/14, 218/2/E, 218/18/1, 218/16 and 218 respectively situated at Raghunathapalem Village, Khammam Urban Mandal, Khammam District, without issuing any notice and without following due process of law, as illegal and arbitrary.

The averments in the affidavit filed in support of the Writ Petition is that the petitioners and their fathers, who belong to Lambada community, were granted pattas to different extents on the recommendation made by the third respondent. It is stated that on 17.05.2012, the respondents came to the site and started interfering with the land in question, without following due process of law. Challenging the same, the present Writ Petition came to be filed.

By an order dated 30.05.2012, this Court ordered maintenance of *status quo* existing as on that day, with regard to possession of the lands in question.

In the month of November, 2012, a counter came to be filed by the third respondent denying the averments made in the Writ Petition. Paragraph No.2 of the said counter discloses that all the petitioners

were dispossessed from their respective lands by resumption and the land was also recovered under a cover of Panchanama in the year 2007 itself. It is stated that since then, the land stood vested with the Government. It is further stated that the contents of para No.3 of the affidavit were true only to some extents of land and that an extent of land in Survey No.218/2/E was acquired for the purpose of construction of Rajeev Swagruha and the fifth petitioner was accorded Ex-gratia by the Revenue Divisional Officer, Khammam. Originally the land admeasuring Acs.5.00 guntas in and out of Survey No.218/5 was assigned to one Laxmaiah, the father of petitioner Nos. 8 and 9. However, his three sons were found in possession of the said land to an extent of Ac.1.12 guntas each and the same was acquired from them for the purpose of Rajeev Swagruha and the RDO has also recommended ex-gratia to an extent of Ac.1.12 guntas each in the year 1971. However, petitioner Nos.8 and 9, have approached this Court suppressing all these facts.

It is further represented by the learned Government Pleader that against the orders passed by the Tahsildar, Khammam District, the aggrieved persons filed an appeal before the Revenue Divisional Officer and the same was dismissed on 29.06.2009.

It is thus alleged that in the year 2007 itself the land was resumed and handed over to the Government for the purpose of Rajeev Swagruha, after payment of ex-gratia as recommended by the RDO.

At this stage, learned counsel for the petitioners submits that they are not aware of the orders by the Tahsildar as no prior notice was issued to them.

Having regard to the above circumstances, nothing survives for adjudication in this Writ Petition as the petitioners may have to question the order passed in the Appeal. Giving liberty to the petitioners to avail

the remedies available under law, the interim order granted by this Court shall be in force for a period of six (06) weeks from today.

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

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

18.01.2016
vnb