

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.17337 OF 2011

ORDER :

Heard counsel for the petitioner and the Government Pleader for Revenue appearing for 1st respondent.

2. Petitioner contends that he purchased the subject property under a registered sale deed dt.29.10.2005 from one M.Ravindra Reddy and two others; that his vendors purchased the subject property as well as other lands, in all admeasuring Acres 7-36 guntas under three registered sale deeds dt.26.03.2003, dt.26.03.2003 and dt.03.11.2003 from one E.Indrasena Reddy, who was a freedom fighter; and the said Indrasena Reddy was allotted an extent of Ac.7.36 guntas in survey No.109 by the then Tahsildar, Medchal Taluq on 16.09.1979 in Patta Certificate No.B6/6497/78 and he was also granted Pattadar Pass Book and Title Deed by the 1st respondent.

3. Petitioner contends that although initially patta granted in favour of freedom fighters in terms of G.O.Ms.No.1406 made the land inalienable, later revised assignment policy issued vide G.O.Ms.No.1743, dt.20.08.1958, G.O.Ms.No.185, dt.11.03.1997, G.O.Ms.No.917, dt.31.10.1997 and G.O.Ms.No.1045 dt.15.12.2004, permitted the freedom fighters to sell away their assigned lands and house sites after ten years from the date of assignment. He therefore contends that the sale deeds executed by the said Indrasena Reddy are valid and that no 'NOC' is required to be taken from any authority in view of the above G.Os.

4. Petitioner also contends that an application was filed by the said Indrasena Reddy before the District Collector at the instance of the petitioner requesting for issuance of 'NOC' basing on the amended

assignment conditions and the District Collector had also called for a report from the 1st respondent as well as Special Deputy Collector/RDO, Ranga Reddy District, East Division, who submitted reports on 24.06.2006, 08.12.2007, 06.12.2008 and 11.12.2008 respectively. Petitioner contends that he approached the 2nd respondent for grant of sanction for construction on 24.06.2006 and paid requisite fee and that the said application is pending before the 2nd respondent. Petitioner contends that he had erected a compound wall and also put up a gate to safeguard the property from illegal encroachments, but the 1st respondent in May, 2011 threatened to demolish the compound wall and gate on the ground that the petitioner did not produce 'NOC' obtained from the revenue authorities. Petitioner asserted that on 16.06.2011 1st respondent partially demolished the compound wall without even issuing a notice to the petitioner and that the respondents are not entitled to interfere with his property in any manner without following due process of law.

5. The Government Pleader for Revenue appearing for 1st respondent states that the application for 'NOC' made by the freedom fighter was rejected on 25.01.2008 by the District Collector, Ranga Reddy District.

6. Admittedly, petitioner had not been communicated the above decision of the District Collector, Ranga Reddy District. In any event, since the petitioner purchased the subject property under a registered sale deed, it is not open to the respondents to interfere with his possession and enjoyment of the said property without following due process of law.

7. Accordingly, the Writ Petition is disposed of declaring the action

of the respondents in demolishing the compound wall of the petitioner's property as illegal, arbitrary and violative of Articles 14 and 300A of the Constitution of India and the respondents are directed not to interfere or demolish further, any compound wall or structures erected by the petitioner in the subject property, without following due process of law. The 1st respondent shall also personally pay costs of Rs.500/- to the petitioner.

8. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

02nd June, 2016.
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