

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25546 OF 2016

ORDER:

This Writ Petition is filed seeking a Writ of mandamus directing the 3rd respondent not to interfere with the constructions that are being made by the petitioner in 200 Sq.yards out of Ac.1-2000 guntas in D.No.11-26/3, covered by S.No.379/1004 of Alladurg Village, Medak District.

2. The case of the petitioner is that the subject land is “Lavuni Patta” land given to his forefathers by the Government and the same is inherited to him and they have been enjoying the said land from the last 40 years with absolute rights for generations together. He has been issued with pattadar passbooks and his name was mutated in the revenue records as pattadar and enjoyer of the said land. By passing of time the land became barren and now it is not suitable for cultivation to raise crops, hence he has been using the said land for cattle grazing and he intend to construct a house in 200 sq.yards of area out of Ac.1-20000 guntas in the said land. Accordingly, he obtained permission from the Gram Panchayat, Alladurg on 09.2.2016 and got “No Objection Certificate”. While he has been proceeding with the construction work, the 3rd respondent-Tahasildar, Alladurg, came to the site and instructed to stop the construction. Therefore, he made representations to the 2nd and 3rd respondents on 08.07.2016 and 13.07.2016 to permit him to proceed with the construction work, but till date no orders are passed on his representations. Alleging inaction on the part of the respondents in taking action on the said representations, the present writ petition is filed.

3. Heard learned counsel for the petitioner. On instructions learned Government Pleader for Revenue (Telangana) submits that the permission granted in favour of the petitioner by the Gram Panchayat is directed to be cancelled by the Collector.

4. Perused the material on record. It is not in dispute that the petitioner is the absolute owner and possessor of the subject land. Though the learned Government Pleader for Revenue submitted that the permission granted in favour of the petitioner by the 4th respondent-Gram Panchayat for construction of a house was cancelled by the 2nd respondent-District Collector, as of now it is not clear whether such cancellation has been effected after issuing notice to the petitioner and the same was served on the petitioner. Therefore, interest of justice would be served if a direction is issued to the respondent authorities not to interfere with the possession and enjoyment of the petitioner over the subject land and also with the construction work of the petitioner without following due process of law. As and when such cancellation orders are served on the petitioner, the petitioner is at liberty to assail the same in the court of law.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:09.08.2016
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