

HON' BLE SRI JUSTICE S. V. BHATT

Writ Petition No.23754 of 2017

ORDER:

Heard Sri Madhava Rao Ambadipudi for petitioners and the learned Assistant Government Pleader (Revenue) for respondents.

2. The petitioners pray for *mandamus* declaring the action of the 5<sup>th</sup> respondent in resuming the land in an extent of Ac.5.09 gts. in Sy.No.311/ 13 of Kurmidda Village, Yacharam Mandal, Ranga Reddy District, without recourse to law, as illegal, arbitrary and unconstitutional.

3. The petitioners claim to be the legal heirs of one Mohd. Burhan, assignee of an extent of Ac.5.09 gts.in Sy.No.311/ 13 of Kurmidda Village. According to the petitioners, after demise of the assignee, they are in physical possession and enjoyment of the property. The respondents have now decided to acquire the subject matter of the writ petition along with huge extents of land in the same village for establishing Pharma City. The respondents are expected to pay compensation to the petitioners as well for acquiring the subject matter of the writ petition. Instead they are taking steps to pay the compensation to others. The petitioners applied under Right to Information Act for information of a few questions raised by them. The 5<sup>th</sup> respondent replied to the questions as follows:

| S. No. | Information sought                                    | Given                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      | Copy of document executed by Mohd. Burhan or his LRs. | It is to inform that during the local enquiry it was reveals that Md. Burhan S/o Md. Ali was sold the assigned land in Sy.No.311 to an extent of Ac.5.09 gts of Kurmidda village by transferring the assigned land to third party. At present the purchaser are in physical possession over the said land. As such the action was initiated under POT Act 1977 and resumed the said land to Government custody vide this office Proc. No.B/ 1345/ 15, dt.25.09.2015 (copy enclosed) |
| 2.     | To whom Mohd Burhan/ LRs sold the land.               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3.     | Copy of Enquiry report.                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4.     | Copy of Panchanama Report.                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

4. The petitioners, while challenging the action of respondents in paying compensation to third parties, raised a few grounds against the alleged resumption of the assigned land from petitioners. Learned counsel for the petitioners tried to persuade this court to direct the 4<sup>th</sup> respondent to consider and dispose of the representation dated 05.04.2016 before taking a decision on the payment of compensation.

5. I have perused the material available on record and taken note of submissions made by Mr. Madhava Rao Amabadipudi. This court is of the view that the respondents through their reply dated 07.04.2016 have informed the petitioners that the assignment in favour of Mohd. Burhan was cancelled and possession of assigned land resumed in favour of the Government vide proceedings dated 25.09.2015. Assuming without expressing a view on the passing of resumption order, the petitioners during subsistence of resumption order, cannot compel the 4<sup>th</sup> respondent to consider the case of petitioners for payment of compensation. The petitioners, if are advised, ought to challenge the resumption order, and on being successful in their challenge, are entitled for compensation.

6. At this stage of the matter, when the resumption order is subsisting, the limited request of the petitioners to direct the 4<sup>th</sup> respondent to consider and dispose of the representation will be an academic exercise without adjudication on the rights of the parties. However, liberty is granted to the petitioners to challenge the order of resumption in a properly instituted proceeding. All grounds available in this behalf are left open.

7. With the above observation, the writ petition is dismissed. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 19.07.2017  
BSS



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