

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.24985 of 2017

ORDER:

Heard Mr. A. Ravinder Reddy for petitioner and the Assistant Government Pleader (Revenue) for respondents.

2. The petitioner challenges notice Lr.No.A2/ 98/ 2017 dated 18.05.2017. The 4th resounding through notice impugned in the writ petition taken note of a few circumstances and called upon the petitioner as follows:

“Your attention is drawn to the reference cited, Revenue Divisional officer, Kamareddy & Hon'ble M.L.A. Kamareddy A/C are inspected the solar spot of Peddapally (v) on 17.05.2017 and directed to remove the polls which is fixed in following Government lands as shown below the lands purchased by M/s Sunshanthi Solar Power Project Private Limited, New Delhi (solar company).

S. No.	Sy.No.	Ext.	Classification
1	2	3	4
1	37	6.16	Inam Chelka patta
2	51	20-18½	PP
3	58	12-19	PP
4	59	1-18	Inam
5	60	1-20	Inam Chelka Patta
6	97	2-07	Inam
7	98	1-23	Endowment
8	118	5-01	P.t. land
9	119	15-30	P.T.land
10	124	9.35	P.T land
11	138	39.16	PP
Total Ext: 116.03 ½			

Therefore, it is hereby directed to remove the polls is fixed in the above said Government lands shown at column no.(04) situated at Peddapally (v) Shivar of Rajampet (M) with immediate effect with in (10) days, if the said company will not remove the fixed polls within time, the total solar work will be stopped by the concerned authority until polls will erected by the said company. Any slackness in this matter, it will be viewed very seriously and action will be initiated as per rules.”

3. The grievance of the petitioner is that on the classification shown in the notice dated 18.05.2017, the 4th respondent cannot and could not have any jurisdiction vis-à-vis private patta lands etc.

According to the petitioner, the petitioner has no entry into any transactions which attracts the prohibition contained in Act 9/1977. Therefore, she challenges the notice, as illegal, unconstitutional and without jurisdiction.

4. The written instructions substantially do not refer to any of the survey numbers stated in the notice dated 18.05.2017. On the other hand, the 4th respondent says that Sy.Nos.39, 109, 110 and 111 of Peddaipally Village are ceiling lands, assigned to land less poor persons and action is initiated in respect of those survey numbers. This court either looks at the case of the petitioner or the admitted possession in the written instructions. *Prima facie* it appears, there is error apparent on the face of record. The Assistant Government Pleader submits that with the instructions issued by 4th respondent, it is difficult to suspend the notice impugned in the writ petition. However, he submits that the situation warrants examination, consideration and decision in accordance with law. The statement is placed on record.

5. The notice impugned in the writ petition is set aside. Liberty is given to 4th respondent to proceed only in respect of lands where 4th respondent has jurisdiction either under Act 9 of 1977 or otherwise. As and when such decision is taken, it is needless to observe that the 4th respondent follows the procedure stipulated in that behalf.

6. The writ petition is ordered accordingly. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S V. BHATT, J

Date: 28.07.2017
BSS

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