

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.16134 OF 2008

ORDER:

None appears for the petitioners nor is there any representation on their behalf.

The action of the respondents, in dispossessing the petitioners from their assigned land of Acs.3.00 gts and Acs.4.08 gts respectively in Survey No.573 situated at Kondamadugu Village, Bibinagar Mandal, Nalgonda District without following the prescribed procedure under the Land Acquisition Act, is questioned in this Writ Petition as being arbitrary and illegal.

This Court initially granted an interim order directing the second respondent to conduct an enquiry whether the pattas, alleged to have been issued in favour of the petitioners in respect of the subject lands, were genuine or not; and to complete the same and submit a copy of such report to the Registrar (judicial) within a period of six weeks from the date of receipt of a copy of that order. The petitioners were directed to appear before the second respondent within a period of two weeks from the date of the order, and continue to appear whenever it was necessary to conduct an enquiry in this regard.

A counter affidavit was filed by the Tahsildar, Bibinagar Mandal, Nalgonda District contending that Government land, in Survey No.573 of Kondamadugu Village, was selected for providing house sites under the Indiramma Phase-III programme; thick bushes on the land were cleared to make it into house plots; the petitioners were not pattedars or occupants of the subject land; the petitioners never submitted a copy of the patta certificates or any

judgment of the Court to show that the subject lands were assigned to them in the year 1968; as per the records, the petitioners were neither assignment patta holders nor occupants of the subject lands; and, as such, putting them on notice before making the lands into house plots did not arise.

On a petition, in WV.MP.No.3414 of 2008, being filed by the respondents to vacate the stay, this Court, in its order dated 13.12.2013, recorded that, as there was no representation from the petitioners on 11.12.2013, the WV.MP. was allowed, and the *status quo* order granted earlier was being vacated.

In view of the specific assertion in the counter affidavit that the petitioners are neither assignment patta holders nor are they occupants of the patta lands; and, as the interim order granted earlier was vacated more than three years ago, the petitioners are not entitled to the relief sought for in the Writ Petition.

The Writ Petition fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

17th February 2017
RRB