

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 16544 of 2005

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent in issuing the notice No.B/ 3187/ 05 dated 15.07.2005 directing the petitioner to vacate the land admeasuring Ac.5.00 in Sy.No.31 situated at Kourampally Village, Narayanpet Mandal, Mahabubnagar District, as arbitrary and illegal.

2) The averments in the affidavit filed in support of the writ petition, which are not seriously disputed by the respondent is that the then Tahsildar, Makthal, vide his proceedings No.A9-13/ 65 dated 08.02.1968 has assigned Ac.5.00 gts. of dry land in Sy.No.31, situated at Kourampally Village in favour of the petitioner. From the date of assignment, the petitioner claims to be in possession of the same and pattadar pass book and title deed were also issued in his favour. Thereafter, the Mandal Revenue Officer, Narayanpet, initiated proceedings canceling the assignment, vide proceedings No.B1/ 1609/ 91, dated 08.05.1992 on the ground that the petitioner failed to cultivate the said land. Further, the D.R.O., Mahabubnagar, also cancelled the same through proceedings No.B1/ 3361/ 94 dated 27.05.1996 on the ground that the petitioner is eligible for assignment of the land. Challenging the same, the petitioner approached the Special Commissioner of Land Revenue, Hyderabad. Vide proceedings

No.BCW4/ 599/ 96, dated 10.09.1998 the Special Commissioner allowed the revision. Thereafter, the respondents started harassing the petitioner by threatening him to vacate the land on the ground that the said land is required for public purpose ie. for construction of Rajeev Gruhakalpa houses. Later on, the impugned notice came to be issued calling upon the petitioner to vacate the land.

3) By an order dated 28.07.2005, this Court directed the respondent not to dispossess the petitioner from the subject land.

4) Though no counter is filed on behalf of the respondent, but on instructions, the Government Pleader for Revenue would submit that the notice itself indicate that Ex-gratia would be paid in terms of G.O.Ms.No.1307, Revenue, dated 23.12.1993, after due process.

5) It is to be noted that pursuant to the interim order passed by this Court, the petitioner is in possession of the subject property. Though the said land is a assigned land, but in case the Government intends to take the land for public purpose they have to follow the guidelines as laid down by this Court in *Land Acquisition Officer-cum-R.D.O., Chevella Division v. Mekala Pandu and others*¹.

6) Having regard to the legal position laid down in the judgment referred to above, the writ petition is disposed of directing the respondent not to dispossess the petitioner from the

¹ (2004) 2 ALT 546 (L.B.)

subject land and if the said authority intend to take possession of the same, it will be in accordance with law.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

10.08.2017
gkv

