

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.4725 of 2009

ORDER:

The Writ Petition is filed seeking a writ of mandamus declaring the action of respondents, in trying to dispossess the petitioners from the land in Sy.No.262 (new) corresponding to Sy.No.376 (old) situated at Nawabpet Village, Shivampet Mandal, Medak District, pursuant to notices bearing Nos.B/107/08/1, 3 to 8 dated 10.11.2008 of respondent No.2, as being illegal and arbitrary.

Facts leading to filing of the writ petition are as follows:

Petitioners claim to be absolute owners of land admeasuring Ac.29.15 gts. in Sy.No.376 situated at Nawabpet Village, Shivampet Mandal, Medak District. The subject land was shown as patta land as per Sethuwar and Chassala in the revenue records. They claim to have been issued pattas and pass books and their names were mutated in the revenue records. After resurvey of the subject land, respondent Nos.1 and 2 allotted a new Sy.No.262, and the said new Sy.No.262 was shown as government land despite being patta land, and petitioners have been in possession thereof. The petitioners, therefore, approached respondent No.2 for rectification of the said mistake in the revenue records. As no action was taken by respondent No.2, petitioners approached respondent No.1, who, in turn, sought for particulars of the subject land from respondent No.2. Respondent No.2, through letter dated

13.01.2009, informed that Sri Gosukonda Pedda Narayana Reddy and Sri Sai Reddy filed declaration No.221/MPR, wherein the land in Sy.No.376 was shown as not an excess ceiling land; the land in Sy.No.376 (old) correspondent to Sy.No.262 (new) is patta land; and the mistake be rectified in the revenue records. Respondent No.2 issued impugned notices bearing Nos.B/107/08/1, 3 to 8 stating that, the land in Sy.No.262 being government land, D-form pattas were issued to petitioners, and the same is being acquired for public purpose, viz. to form special economical zone for industrial area development, treating it as assigned land.

Counter affidavit is filed denying the averments in the writ petition.

While issuing rule nisi on 06.03.2009, this Court stayed notices bearing Nos.B/107/08/1, 3 to 8 dated 10.11.2008 issued by respondent No.2 including dispossession of the petitioners from the subject land.

When the matter is taken up for hearing, learned counsel for the petitioners submits that the proceedings No.A1/1691/2008 dated 06.01.2011, with regard to the issue as to whether the subject land is a patta land or government land, is pending consideration before the Joint Collector, Medak. The said fact is not disputed by the learned Government Pleader for Revenue.

Since the proceedings No.A1/1691/2008 dated 06.01.2011, with regard to the issue as to whether the

subject land is a patta land or government land, is pending before the Joint Collector, Medak, it would be just and proper if the Joint Collector, Medak is directed to dispose of the said proceedings at the earliest.

At this stage, learned counsel for the petitioner states that proceedings No.A1/1691/2008 dated 06.01.2011, pending before the Joint Collector, Medak, are transferred to District Collector, Sangareddy (respondent No.1), and the same is still pending consideration.

In the circumstances, the Writ Petition is disposed of directing the District Collector, Sangareddy (respondent No.1) to dispose of the application made by the petitioners, for correction of entries in the Survey Settlement Records, in respect of Sy.No.262, as early as possible, preferably within a period of three months from the date of receipt of a copy of this order. Till then, *status quo* obtaining as on today with regard to possession shall be maintained.

Miscellaneous Petition pending, if any, shall also stand closed. However, in the circumstances, without costs.

C.PRAVEEN KUMAR,J

Date:14.02.2017
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