

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 24571 & 26199 of 2017

Date :11.10.2017

WP No. 24571 of 17

Between :

Uppari Ghattaiah S/o Ramaswamy
58 years
R/o D No. 7-3-40 Quarter No. C 48
Yellandu village and mandal
Khammam district & others

Petitioner

And

State of Telangana
Rep by its Principal Secretary
Revenue (LA) Department Hyderabad and others

Respondents

The Court made the following:



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COMMON ORDER:

Petitioners claim that they purchased house plots in lay out formed in Survey Nos. 301/2 and 302/2, Jangaon mandal and district during 2010 to 2013 from predecessor in title Mr.Karre Srinivas and others. These writ petitions are filed alleging that they are sought to be dispossessed from the subject plots purchased by them as mentioned in the prayers in respective writ petitions without following due process.

2. Vendors to petitioners filed W P No. 26702 of 2017 challenging the proceedings of the District Collector in RC No.B1/1089/2017 dated 28.6.2017 allotting Ac.1.00 land in Survey No. 301/2, Jangaon village and mandal for construction of office cum residential complex for all MPs and MLAs from the District. On 10.3.2014 Revenue Divisional Officer passed orders on appeal preferred by Jehangir Sharief alleging that even though his father who was Ex-service man did not sell the land assigned to him, false document was created and got the sale transaction regularized and thereon name of Smt Karre Laxmi Narsamma was mutated and pattedar passbooks and title deeds were obtained. The said contention of the appellant therein was accepted by the Revenue Divisional Officer and set aside the regularization order granted in favour of Smt Karre Laxmi Narsamma and also cancelled pattedar passbooks and title deeds. However, the Revenue Divisional Officer has further directed for resumption of the land and taking possession of the land by the Tahsildar. Aggrieved by the said order, Jehangir Sharief preferred revision before the Joint Collector and said revision is pending. Aggrieved by the order directing allotment of land to R & B Department, W P No. 26702 of 2017 is filed by the vendors of petitioners wherein it was contended that the order of

resumption in exercise of powers under Act 1977 by the Revenue Divisional Officer was wholly illegal as proceedings before the Revenue Divisional Officer were under Act 1971 and therefore the Revenue Divisional Officer as Appellate Authority under Act, 1971 was required to confine the enquiry and decide only to the extent of violation of the Act, 1971 and cannot transgress into provisions of Act, 1977 and take steps thereon. Having considered the matter, writ petition No. 26702 of 2017 was allowed holding exercise of powers under Act, 1977 as not valid and directed maintenance of status quo as granted on 10.8.2017 while granting liberty to the competent authority to initiate proceedings under the Act, 1977.

3. In the instant case, except making vague allegation of dispossession, no other material is shown to substantiate their contention that they are in possession. When specifically asked, learned counsel for petitioners is unable to show the proof of being in possession of the plots claimed to have been purchased by them and intimation given by the petitioners or by their vendors to competent authority about the alleged purchases made by them. Therefore, it cannot be said that respondent authorities have erred in not putting the petitioners on notice before initiating the adverse proceedings on the subject property as noted above.

4. None of the proceedings initiated by the authorities including the orders of the Revenue Divisional Officer dated 10.3.2014 are under challenge in these writ petitions. If petitioners herein have any grievance against their vendors or have any grievance regarding the alleged dispossession from the subject plots stated to have been purchased by them, it is always open to them to approach the competent authority and appraise the competent authority about the purchases made by them. It is also open to them to put on notice vendors of the petitioners to inform

them of the legal proceedings if any pending or to also join them in any pending legal proceedings or proceedings pending before any authority under any statutory provisions or proceedings that may be initiated against them in future. It is also open to the petitioners to work out any other civil law remedy as available to them. Leaving it open to petitioners as above, writ petitions are disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 11.10.2017
TVK



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