

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.10513 of 2005

ORDER

Heard learned counsel appearing for the petitioners and learned Government Pleader for Revenue appearing on behalf of the respondents.

The petitioners claim that they belong to Scheduled Castes & Scheduled Tribes. They state that they have been in possession of the land in Sy.No.62 situated at Medipally Village for the last 40 years along with 30 others and the total extent of the land in the said survey number is Ac.116.00. The petitioners and 30 others were initially allotted the land on lease basis and were subjected to Jamabandi regularly. They made a representation to the respondents to assign the land in their occupation. The Mandal Revenue Officer, Uppal, forwarded the said representation to the Revenue Divisional Officer, Hyderabad, Ranga Reddy District, *vide* proceedings dated 30.04.1992, by enclosing Khasra Pahanies, Paisala Patti. The Revenue Divisional Officer has taken up the follow up action, which resulted in the 2nd respondent-District Collector, Ranga Reddy District issuing proceedings dated 2.4.1994 to the Commissioner of Land Revenue for assignment of land in

favour of 38 persons. Thereafter, the 2nd respondent issued further proceedings dated 2.7.1996 enclosing the details of 38 members including the petitioners, who are eligible for assignment, to the Commissioner of Land Revenue. The case of the petitioners along with others was also recommended by the Mandal Revenue Officer on 27.04.1998 and 28.12.1998 for consideration of their cases for assignment. The District Collector, Ranga Reddy District, vide letter No.E4/7106/99, dated 30.12.1999, recommended to the Government for assignment of the land to 38 eligible persons. When no action was taken, 30 persons out of 38 persons, filed W.P.No.2121 of 2002 and the same was disposed of on 5.2.2002 directing the respondents to consider assignment of land if the petitioners therein were found eligible. Challenging the said order, the respondents preferred W.A.No.648 of 2002 and a Division Bench of this Court confirmed the order of the learned Single Judge *vide* order dated 26.11.2002. Thereafter, the Government issued G.O.Ms.No.92, dated 28.1.2004 permitting the Collector to assign the land to an extent of Ac.116-00 in Sy.No.62 of Medipally Village, Ghatkesar Mandal, R.R.District, in favour of eligible persons after due verification in relaxation of ban orders imposed in G.O.Ms.No.1409, Revenue (Q) Department,

dated 19.08.78. In pursuance of the said Government order, when the District Collector was taking steps to assign the land only to the petitioners in W.P.No.2121 of 2002, the present writ petition was filed challenging the action of the respondents in not assigning the land to the petitioners herein.

Even after 12 years, no counter-affidavit is filed and the material available in the writ petition clearly shows that the facts averred in the affidavit filed in support of the writ petition are not in dispute.

In view of the above undisputed facts, this Writ Petition is allowed. The respondents are directed to consider the case of the petitioners on par with other 30 persons covered by the proceedings of the District Collector, Ranga Reddy District, dated 2.7.96 and G.O.Ms.92, dated 28.1.2004 and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

6th June, 2017
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