

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.31009 OF 2017

Dated:15.09.2017

Between:

Ch. Shivulu, S/o. Late Ch. Yellaiah,
Aged about 38 years, R/o.Gagillapur
Village, Qutbullapur Mandal, Ranga
Reddy District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue
Department, Secretariat Buildings,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.31009 OF 2017****ORDER:**

Heard.

2. Petitioner alleges that his father was granted land to an extent of Ac.1.00 in Survey No.214 of Gagillapur Village, Quthbullapur Mandal, Ranga Reddy District. He states that on 30.08.2001 his father died and thereafter, he is in continuous possession of the said land. While so, the Deputy Collector and Tahsildar, Quthbullapur Mandal, issued notice in Form-I on 17.03.2008 in the name of his father, who died on 30.08.2001, informing that in contravention of the provisions of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act, 1977'), father of the petitioner was assigned the subject land and as to why proceedings should not initiated against him. There is no further averment on service of the notice on the petitioner and consequential steps taken thereon. Petitioner filed this Writ Petition alleging that he is now sought to be dispossessed from the subject land.

3. Learned Government Pleader for Revenue produced the original record. It is seen from Form – I notice that the said notice was received in the name of the father of the petitioner. A detailed enquiry was conducted. The authorities found that the assignees have converted the land into residential layout and sold the house plots. When notices were issued to resume the land, the

purchaser invoked the jurisdiction of this Court by filing W.P.No.16318 of 2007. The said Writ Petition was disposed of.

4. Pursuant to the disposal of the Writ Petition, the authority has heard arguments of all the learned counsel representing the parties and on detailed consideration, it has passed orders dated 21.04.2010 holding that the provisions of the Act, 1977 are violated and to resume the land. The order would disclose that there is land to an extent of Acs.16.00 in survey No.214 and all the assignees together formed the layout. The findings recorded by the authority and the plea raised by the subsequent purchasers itself would show that in violation of the assignment conditions, layout was formed and land was sold. Thereafter, subsequent purchasers sought regularisation of their plots.

5. Thus, it cannot be said that the petitioner was not aware of all the developments and was innocent and claimed to be in possession of Ac.1.00 of land and the land was not divided into house plots and sold long ago. The order dated 21.04.2010 of the Deputy Collector and Tahsildar is not under challenge. The averments stated in the affidavit filed in support of the Writ Petition are silent with regard to the subsequent developments, except contending that the petitioner was innocent and not aware of the subsequent developments. Having regard to the orders already passed as early as in the year 2010, the relief sought for in the Writ Petition cannot be granted and the Writ Petition is liable to be dismissed in *limine*.

6. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:15.09.2017

KH

P. NAVEEN RAO, J

