

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.34966 OF 2017

Dated:23.10.2017

Between:

B. Lakshmaiah, S/o. Late Yellaiah,
70 years, Agriculturist, R/o. Kollapur
Town and Mandal, Mahabubnagar
District and others

.. Petitioners

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.34966 OF 2017****ORDER:**

Heard.

2. Petitioners allege that initially their mother, by name, B. Lakshamma was assigned land to an extent of Ac.1.00 in Survey No.130/1 of Kollapur Village and Mandal, Nagarkurnool District in the year 1982 and ever since they are in possession and enjoyment of the same and they are cultivating the said land till date. Apprehending that the petitioners would be dispossessed from the subject land without following due process and that already peg marking was made on the subject land, this Writ Petition is filed.

3. Learned Assistant Government Pleader for Revenue produced the written instructions furnished by the Tahisldar, Kollapur. The said written instructions read as under:

“... Further it is humbly submitted that no peg mark boundaries were marked in petitioners’ land and also not resumed their land for any purpose. Still the subject land is in petitioners’ possession.

Apart from the above, since land in question is located quite adjacent i.e., within 2 kms to the Kollapur Mandal Headquarter and it is useful for the construction of Double Bedroom houses for the weaker sections. As per the conditions of the assignment as envisaged in G.O.Ms.No.1406 dt.26.07.1958, whenever the assigned land is required for public purpose, it can be resumed without considering the developments made by the assignees. In the instant case, the assignee/petitioner has failed to bring the subject assigned land into cultivation from the date of assignment, has violated the terms and conditions of the assignment rules.”

4. Since the Tahsildar, Kollapur, clearly states that no peg markings were made and the petitioners are in possession and if the subject land is required for construction of double bedroom houses for weaker sections, due procedure would be followed while resuming the land, the interests of the petitioners are sufficiently safeguarded and there is no cause for apprehension, at this stage.

5. Recording the statement of the Tahsildar, Kollapur, the Writ Petition is disposed of. It is needless to observe that if the subject land is required for any public purpose, the respondent authorities would follow the due process of law before evicting the petitioners. There shall be no order as to costs.

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

Date:23.10.2017

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P. NAVEEN RAO, J

