

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.2439 OF 2006

ORDER:

This writ petition is filed seeking to declare the proceedings No.B/2545/2003, dated 8.1.2004 of the second respondent as illegal and void and consequently direct the respondents to mutate the name of the petitioner in respect of land admeasuring Ac.5.03 guntas in R.S.Nos.36/2 and 37/1/D & E of Gopanpalli Village, Sherilingampalli Mandal, Ranga Reddy District.

2. It is the case of the petitioner that he is the owner in respect of the land in an extent of Ac.5.03 guntas in Sy.No.36/2 of Gopanpalli village, Serilingampally Mandal, Ranga Reddy District. The said land originally belongs to one Rajju Singh who came into possession of the said land during the year 1961-62 under an assignment made under the then Laoni Rules. Thereafter said Rajju Singh sold the same to one Sarwar Khan under a registered sale deed document No.508/79, dated 20.03.1979. The petitioner purchased the above land under a registered sale deed from said Sarwar Khan vide document No.3111/84 dated 28.05.1984. The petitioner divided the said land into plots by obtaining permission from the Gram Panchayat and sold away the plots. In another transaction, the petitioner purchased land in an extent of Ac.2.00 in Sy.No.37/Ru (re-subdivision No.37/1/E) and an extent of Ac.6.00 in Sy.No.37/Lu (re-subdivision No.37/1/D) i.e., total extent of Ac.8.00 guntas from one Tholdi Mahadev in Gopanpalli Village, Serilingampally Mandal, Ranga Reddy District, and after

his death, the legal heirs of Tholdi Mahadev executed a registered sale deed in favour of the petitioner vide document No.4125/84, dated 6.7.1984. Thereafter, the petitioner was constrained to file against the Government a suit O.S.No.280 of 1991 on the file of the II-Additional Subordinate Judge, Ranga Reddy District, Saroornagar, Hyderabad, seeking declaration of title and perpetual injunction and the same was decreed on 28.10.1996 and it has become final.

The file underwent several hurdles with the revenue department with regard to mutation proceedings and the second respondent passed an order dated 8.01.2004 for resumption of the lands by evicting the occupants, holding that the assignee has contravened the provisions of Sub Section (2) of Section 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. The said order was admittedly passed without giving any notice to the petitioner and it is gross violation of principles of natural justice. On the other hand, the suit O.S.No.280 of 1991 has been decreed on 28-10-1996 on merits and wherein, the respondent authorities have failed to rebut the case of the petitioner and no material was placed before the Court below and the Court below allowed the suit and the said decree become final.

3. The petitioner has been in possession of the subject lands. The balance of convenience is in favour of the petitioner. The petitioner placed reliance on the Judgment of this Court in **D.Narsing Rao and others Vs. Government of A.P., rep.by Secretary to Government, Revenue (Assign-III) Department**

and others¹. In the statement at para 6 of the said Judgment, lands admeasuring Ac.2.00 and Ac.6.00 in Sy.No.37 of Gopanpalli village were shown as patta lands and the owner is shown as Toli Mahadev and the writ petitions were allowed in favour of the petitioners and against the Revenue Department as the issue pertains to cancellation of entries in kasra pahanies. The Government in respect of the land in Sy.Nos.36 and 37 lost the dispute decided in Writ Appeal Nos.273-323/2010 by order dated 8-6-2010. Since the lands in this writ petition are forms part of the above survey numbers, the Government preferred Civil Appeal Nos.325-326 of 2015 against the orders in Writ Appeal Nos.273 and 323 of 2010, dated 8-6-2010 and the Supreme Court of India by order dated 13-01-2015 dismissed the case of the Government.

4. During the course of the arguments, the learned Government Pleader for Revenue fairly conceded that issue in this writ petition is covered by the above Judgment.

5. In view of the above facts and circumstances of the case, the writ petition is allowed, setting aside the impugned order of the second respondent in Proc.No.B/2545/2003, dated 8.01.2004. No order as to costs. As sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD,J

Date: 23-02-2018
Shr

¹ 2010 (4) ALT 531