

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.5774 of 2018

ORDER:

Heard Mr.A.Radhakrishna for petitioners and the learned Assistant Government Pleader for Revenue.

The petitioners pray for the following relief:

“.....Writ of Mandamus declaring the action of the respondents 1 to 4 in allotting part of petitioner's agricultural land admeasuring Ac.4.33 gts in Sy.No.111/91/2 and Ac.4.20 gts in Sy.No.111/91/1 situated at Narsampet Village and Mandal, Warangal District without considering the petitioners' representation to the respondents 2 to 4 Dt.12.2.2018 and in not preventing the respondents 9 and 10 and their men from constructing temple in the petitioners' land as illegal, arbitrary.....”

Mr.Radhakrishna submits that the stand taken in paragraph Nos. 6 and 7 of counter affidavit filed by the respondents can be accepted and writ petition be disposed of accordingly.

The operative portion of paragraphs 6 and 7 of the counter affidavit reads thus:

“In reply to the facts mentioned in para nos.4 & 5, it is submitted that the petitioners are falsely alleging that these respondents are going to allot the lands of petitioners in favour of the respondent nos.9 and 10. In this regard it is submitted that as of now no such land is going to be allotted in favour of respondent Nos.9 & 10 and the said allegation is made without any valid proof and the same is a baseless allegation. The petitioners have raised these false allegations against the petitioners for the purpose of filing the present writ petition and hence the present writ petition is devoid of merits and not maintainable and is liable to be dismissed. Further if there are any encroachments over the alleged land of petitioners by the

respondent nos.9 and 10 or any others, the petitioners have to approach the civil court for appropriate remedy, but they cannot make these respondents responsible for the alleged illegal acts of private parties.

In reply to the fact mention para no.6, it is submitted that these respondents have every right to resume the subject land by following the due process of law as the petitioner no.1 and the father of other petitioners have purchased the assigned land by violating conditions of assignment patta and their so called sale transactions are hit by the provisions of PoT Act. As of now these respondents have not initiated any action under the provisions of said Act and they reserve their right to initiate such action as early as possible against the petitioners by following due process of law. Further it is submitted that there is no proof to show that the original assignee namely Sri AkulaBabaiah was a soldier and said land was assigned in his favour under Ex-Servicemen quota. The said allegation is false and the same is denied and infact the petitioners are taking that plea to escape from the provisions of PoT Act. Hence, the theory of assigning the subject land under Ex-servicemen quota in favour of said AkulaBabaiah is not correct and the same is denied. Further, when the subject land was not assigned under the Ex-servicemen quota as alleged by the petitioners, the question of purchasing the said land after 10 years from the date of assignment would not arise and the said contention deserved no consideration.”

Writ petition is disposed of by placing the stand taken in paragraph Nos.6 and 7 of the counter affidavit. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 12.07.2018
dv

