

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.21688 of 2007

ORDER:

This writ petition is filed seeking to declare the action of the respondents in trying to dispossess the petitioners from the lands in Sy.Nos.820, 821, 824 and 825 of Waddepalli Village, Hanmkonda Mandal, Warangal District for the purpose of laying a road and for construction of houses without taking any recourse in accordance with law. An interim direction was also sought not to dispossess the petitioners from the said lands till steps were taken in accordance with law.

The brief facts of the case, so far as they are relevant, for the purpose of disposal of the writ petition, according to the writ affidavit, are that one M. Mididoddi Komuraiah is the absolute owner and possessor of agricultural land in Sy.Nos.820,821,824 and 825 of Waddepalli Village within the limits of Warangal Urban Agglomeration; the said Komuraiah with an intention to sell the above said lands applied to the Special Officer-cum-Competent Authority under the Urban Land Ceiling Act for permission; the Special Officer-cum-Competent Authority under the Urban Land Ceiling Act by proceedings dated 11.08.1980 informed that the lands in Sy.Nos.820 and 821 of Waddepalli Village are not attracted to Section 2(o) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short, "the Act"), as long as the land, continues to be used for agricultural purpose and not put to any other use; when the said M. Komuraiah intended to sell the lands, the petitioners had approached the Special

Officer-cum-Competent Authority, Warangal, under the provisions of the Act by giving notice under Section 26(1) of the Act; that the said competent authority issued an order stating that the land in question is not required by the State Government and the land is not covered under surplus land; based on the said orders, the petitioners purchased the agricultural land from the said Komuraiah by registered sale deeds; since then the petitioners are in possession and enjoyment of the said lands; while things stood thus, the officers of the respondents came to the lands of the petitioners for the purpose of measuring the same and when the petitioners enquired the matter with the officers of the respondents, the officers of the respondents stated that they are intending to lay roads through the lands of the petitioners and to construct the houses under "Indiramma Housing Scheme" since the lands are Urban Land Ceiling lands, immediately petitioners made a representation to the 1st respondent on 11.07.2007 to look into the matter.

No counter affidavit has been filed by the District Collector or Revenue Divisional Officer of Warangal District.

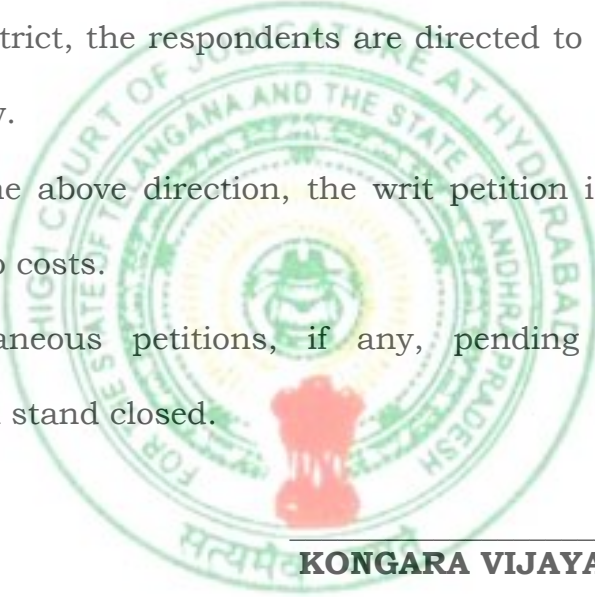
A counter affidavit has been filed by the 3rd respondent-Kakatiya Urban Development Authority stating that the lands in question are sub divided into plots by the petitioners without any approval from the competent authority and without approved layout. However, it is categorically stated that the Kakatiya Urban Development Authority, Warangal did not enter into the lands of the petitioners nor tried to dispossess them.

The writ petition was admitted on 11.10.2007 and an interim direction was granted not to dispossess the petitioners from the lands in question without following due process of law.

In view of the categorical statement made by the 3rd respondent-Kakatiya Urban Development Authority in its counter affidavit that they did not enter into the lands of the petitioners nor tried to dispossess them, no further orders are required to be passed in this writ petition. However, if the respondents want to dispossess the petitioners from their lands in Sy.Nos.820, 821, 824 and 825 of Waddepalli Village, Hanmkonda Mandal, Warangal District, the respondents are directed to follow the due process of law.

With the above direction, the writ petition is disposed of. No order as to costs.

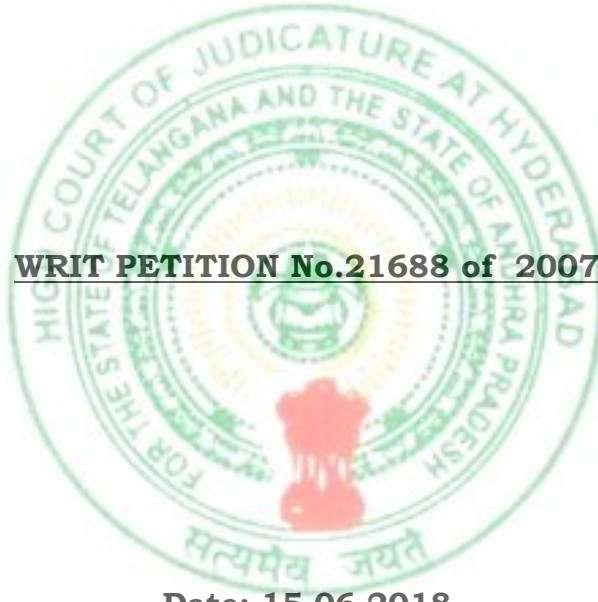
Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.



KONGARA VIJAYA LAKSHMI, J

Date:15.06.2018.
Gk

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