

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11897 OF 2018

DATED :10.04.2018

Between :

Pasuladi Yakamma W/o.Komraiah,
Aged 30 yrs, Occu : Agricultural coolie,
R/o.Thorrur Village, Palakurthy Mandal,
Jangaon District & others

.. Petitioners

And

The State of Telangana,
Rep., by its Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners claim that they were assigned house site pattas in the year 2007 and houses were also constructed by them and are living there. However, this writ petition is filed apprehending that the respondent authorities are taking steps to allot the very same lands for the purpose of construction of two bed room houses to be allotted to weaker sections of the Society. Petitioners enclosed a notice dated 26.02.2018 issued by the Tahsildar, Palakurthy Mandal, calling upon the persons mentioned therein and directing them to attend before him with relevant material to support that they are having valid pattas in their favour.

3. It appears, as fairly submitted by learned counsel for the petitioners, so far no such notice was issued to the petitioners. Therefore, what is contended now and the prayer sought is in the realm of apprehension that similar notice may be issued to them or that they would be dispossessed and this is pre-emptive litigation.

4. If petitioners are in possession of the subject plots allotted to them and those allotments are not already cancelled and possession was not taken back by the Government, it cannot be expected that the authorities would simply throw out the petitioners from the constructed houses even without following due procedure and without affording due opportunity before taking such coercive action. Thus, the writ petition is pre-emptive in

nature and the Court is not inclined to entertain the writ petition at this stage.

5. Accordingly, the Writ Petition is dismissed leaving it open to the petitioners to work out their remedies as available in law, if petitioners have subsisting house site pattas granted to them and houses are constructed and are sought to be dispossessed without following the due procedure. There shall be no order as to costs.

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

10th April, 2018
Rds

P.NAVEEN RAO,J

