

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15773 OF 2018

DATED :30.04.2018

Between :

A.Eswaraiah Goud S/o.Krishnaiah Goud,
Aged 55 yrs, Occu : Agriculture,
R/o.Laxmipally Village, Chinnambavi Mandal,
Wanaparthi District & others.

.. Petitioners

And

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

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15773 OF 2018

ORDER :

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

2. Petitioners claim to be the owners of land in Sy.No.87 admeasuring Ac.5.03 guntas of Laxmipally Village, Chinnambavi Mandal, Wanparthy District. Alleging that the lands assigned to them were not brought to cultivation violating the conditions of assignment, a notice was issued on 06.04.2018, directing the petitioners to appear before him on 16.04.2018 and to show cause why the lands should not be resumed.

3. Learned counsel for the petitioners would submit that on the said date petitioners appeared and submitted the documents in support of their claim that they have developed the land and brought the land for cultivation and have been cultivating. Alleging that without passing orders, petitioners are sought to be dispossessed by canceling the assignments, this writ petition is filed.

4. Except for asserting that petitioners appeared on 16.04.2018, no material is placed on record that they have actually appeared and placed all the material required before the Tahsildar, to support their claim. Thus, at this stage, it cannot be said that the authorities are acting arbitrarily. Further, the Tahsildar is competent to initiate proceedings under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, if according to

him, there is violation of conditions of assignment and land is not put to use. Therefore, notice can not be set aside on that ground.

5. At this stage, learned counsel for the petitioners seeks leave of the Court to make a detailed representation in writing enclosing all the documents in support of the claim of the petitioners that they have developed land and the same is put to use for cultivation.

6. Having regard to these submissions, if the Tahsildar has not finalized the proceedings and passed orders by now, petitioners may submit their explanation within ten (10) days from the date of receipt of copy of this order, and if such explanation is submitted within the time granted, the Tahsildar shall consider the explanation offered and examine supporting documents and take a decision as warranted by law. Till a decision is made, subject to petitioners filing explanation within ten days as directed, no coercive action shall be taken against the petitioners.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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

30th April, 2018
Rds

P.NAVEEN RAO,J