

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.27592 of 2007

ORDER:

The writ petition is filed questioning the action of the respondents in dispossessing and demolishing the houses of the petitioners situated in Sy.Nos.199/18 of Kushaiguda village, Keesara Mandal, Rangareddy District, as illegal and arbitrary.

2. The brief facts of the case, according to the petitioners are that, they are in occupation and enjoyment of the subject land admeasuring Ac.5.00 situated in Sy.No.119/18 of Kushaiguda Village, Keesara Mandal, Rangareddy District and they purchased the same from K.Balaiah @ Bal Reddy, in whose favour revenue authorities issued pattadar pass books under the provisions of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). There are about 100 houses in the entire extent of Ac.5.00. It is stated that there is a litigation between the Government and the Vendors with regard to title of the subject property. The petitioners have been taking steps to get their lands regularized. While so, on 06.12.2007, respondent

authorities came to the subject land and threatened the petitioners to dispossess them.

3. The case of the petitioners is that since the purpose for which the Government is acquiring the land is for housing scheme, respondent authorities ought to have considered their case for regularization of the subject land.

4. As can be seen from the material available on record, this Court, on 26.10.2009 granted interim direction not to dispossess and demolish the houses of the petitioners.

5. The Government filed a vacate stay petition stating *inter alia* that the subject land is originally classified as poramboke sarkari as per khasra pahani for the year 1954-55 and Sri Keesari Sayanna & 23 others are shown as possessors of the land. Further, the land in Sy.No.199/18 to an extent of Ac.3.00 out of Ac.66.35 gts., is shown as Laoni patta in the name of Sri Kowkuntla Malla Reddy and Kowkuntla Bal Reddy and the same entries were continued in the pahanies upto the year 2004-2005 and further it was noticed that the land in Sy.No.199/18 was converted into non-agriculture by making plots and was sold to

various persons. The purchasers of the plots illegally constructed small and single ACC sheet rooms and contravened the provisions of A.P.Assigned Lands (Prohibition of Transfers) Rules, 1977. Notices in Form-I were issued to the purchasers and assignees and no explanations were received by the Government. In exercise of powers conferred under Section 4(1)(a) of the Act, the lands were resumed by the Tahsildar, Keesara vide proceedings No.B/52/2007, dated 08.06.2007 under a cover of Panchanama dated 30.06.2007. Aggrieved by the same, Ch.Narsimha and 12 others- purchasers of the plots filed an appeal under Section 4-A of the Act before the Appellate Authority-Special Grade Deputy Collector & Revenue Divisional Officer, Rangareddy East Division, Rangareddy District and the same is pending. It is also stated that with regard to the same Government land, a writ petition in WP No.20780 of 2007 was filed and the same was disposed of by this Court on 26.10.2007 giving liberty to the petitioners therein to question the said resumption order dated 08.06.2007 before the Revenue Divisional Officer.

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

7. Learned counsel for petitioners submits that subsequent to filing of the above writ petition, the petitioners filed applications seeking regularization of the subject land and as the Government intends to use the subject land for housing scheme, the case of the petitioners may be considered for regularization.

8. Learned Government Pleader sought time to get instructions in the matter.

9. In view of the fact that the counter affidavit filed by the Government reveals that the subject land is a Government land and the Government has taken custody of the same under a cover of panchanama dated 08.06.2010, questioning the same, the petitioners filed an appeal under Section 4-A of the Act before the appellate authority-Special Grade Deputy Collector in 2007 and the same is pending consideration and since the resumption order will be subject to result of the appeal, the writ petition is devoid of merits and the same is liable to be dismissed.

10. Accordingly, the writ petition is dismissed. However, it is open to the appropriate authority to consider the applications filed by the petitioners seeking regularization of their lands and pass appropriate orders in accordance with law. No costs.

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

KONGARA VIJAYA LAKSHMI, J

Date: 06.11.2018
MJL/*

