

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.22383 of 2018

ORDER:

The petitioners invoke the jurisdiction of this Court apprehending dispossession of petitioners from an extent of Ac.10-21gts in Sy.No.95 at Nagaram Village, Manthani Mandal, Peddapalli District (erstwhile Karimnagar District), as illegal and unconstitutional.

The writ petition was heard for admission on 02.07.2018 and at the request of respondents, the writ petition was directed to be listed today for instructions and also to place before the Court, the steps if any taken by the respondents.

This Court while granting time desired to know from the learned Assistant Government Pleader as to what action, the respondents initiate against the officers who have colluded in issuing the conversion proceedings and that failed to record alienation of subject matter in favour of SC/ST Corporation.

The Assistant Government Pleader places on record, the written instructions dated 02.07.2018.

Mr.S.Niranjan Reddy submits that the petitioners are compelled to invoke the writ remedy before this Court as the petitioners have grounded the project and as on date, the solar energy plant established by the 1st petitioner is, in fact, in operation. At this juncture, either the possession of petitioners is disturbed or the solar panels put in place in the subject land if are removed or disturbed, the petitioners would suffer great financial loss and hardship. On the orders of cancellation etc.,

already communicated, he submits that the petitioners would be advised to challenge the orders or purchase peace by getting the land regularized in their favour. He seeks protection from the Court namely, not to dispossess or demolish the facility put in place by the petitioners, before the petitioners avail the options available in law or the avenues available before the Government.

The Assistant Government Pleader, on the other hand refers to the orders of cancellation passed by 3rd respondent and particularly draws the attention of the Court viz., steps to dispossess the firm have not been initiated as apprehended by the petitioners.

For clarity, this Court prefers to excerpt the portion of instructions dated 02.07.2018.

“However, in this case, the Revenue Divisional Officer, Manthani has cancelled the mutation and passed orders directing the Tahsildar, Manthani to update the entries in revenue records consequent on cancellation of mutation. But, no steps to dispossess the firm from the land have been initiated as alleged by them in the WP.

If the firm is aggrieved with the orders passed by the Revenue Divisional Officer, Manthani in cancellation of mutation, they can file revision under the provisions of AP Rights in Land & PPBs Act-1971 before the competent authority.

The Tahsildar, Manthani vide ref.No.B/549/2018-3 dt.25.06.2018 has addressed the District Registrar, Karimnagar to cancel the AGPA executed by the pattedar and sale deed executed in favour of the firm i.e., ACME Mahbubnagar Solar Energy Pvt.Ltd.

Regarding action against the Officials involved in granting mutation irregularly, it is submitted that the explanation called to Sri Sammaiah, Village Revenue Officer of Nagaram Village, Sri Venkatrajam the then Girdawar-I of Manthani (presently working as Girdawar at Odela Mandal)

and Sri G.Srinivas the then Tahsildar, Manthani (presently working as Tahsildar Ellanthakunta Mandal of Rajanna (Sircilla District) vide this office Memo of Explanation No.D1/875/2018, Dt;02.07.2018”

The last paragraphs of the instructions of the Joint Collector, Peddapalli refer to steps taken against the officers who are responsible for an alleged act of commission or omission vis-à-vis subject matter of writ petition. The enquiry is initiated, this Court does not prefer to make further remarks in this behalf, but to take the exercise now undertaken by the District administration to its logical end, the Court directs the District Collector/Joint Collector Peddapalli to conduct detailed enquiry and inform the outcome to its Principal Secretary (Revenue Department).

Writ petition is accordingly disposed of. No order as to costs.

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

S. V. BHATT, J

Dt: 03.07.2018
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