

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.24504 of 2018

ORDER:

Heard Mr.M.Ramakrishna Reddy for petitioners and the learned Assistant Government Pleader for respondents 1 to 3.

The petitioner prays for writ of 'certiorari' to call for the proceedings leading upto and inclusive of No.Lc 1/3360/2009 dated 28.05.2009, as illegal and quash the same.

The subject matter of proceedings impugned in the writ petition covers an extent of Ac.08-37 gts in Sy.Nos.173 and 174 at Narsingi Village. The allotment is made in favour of 5th respondent.

The operative portion of the proceedings in the writ petition reads thus:

“According to G.O.Ms.No.263 Revenue (Assn.V) Department Dt.21.02.2009, it is hereby ordered for alienation of the government land to an extent of AC.8-36 gts in Sy.No.173 & 174 at Narsinghi Village, Rajendranagar Mandal in favour of Sri Krishna Goseva Mandal in exchange of their patta land, subject to the following conditions.

1. The land shall be used for the purpose stipulated in the proposals.
2. The land is not transferable to any other purpose and will not be alienated to anyone.
3. The transferee should abide by the general conditions of transfer of land enshrined in B.S.O.24.

The Deputy Collector & Tahsildar, Rajendranagar Mandal is here by directed to hand over possession of the govt land to an extent of A.8-37 gts in Sy.No.173 & 174 at Narsinghi Village to the representative of Sri Krishna Goseva Mandal and submit compliance report along with Panchnama and sketch.”

Mr.Ramakrishna Reddy challenges the proceedings as illegal and violative of principles of natural justice by referring to the suit filed by the petitioners in O.S.No.271 of 1992. According to him, the petitioners are not put on notice, when the suit filed by the petitioners is pending. He further submits that the petitioners have come to know about the grant in favour of 5th respondent, when the petitioners were preparing for final hearing, in the appeal filed against the decree and judgment in O.S.No.271 of 1992. O.S.No.271 of 1992 was dismissed in the year 2001 and A.S.No.2433 of 2001 is pending in this Court. Therefore, the proceedings are liable to be set aside.

I have perused the record and *prima facie*, the writ prayers are thoroughly misconceived, for the suit filed by the petitioners was dismissed in the year 2001. The nature of reliefs prayed for are, for declaration and perpetual injunction. Both the reliefs are negated by the trial Court. No doubt the findings of the trial Court are subject matter in A.S.No.2433 of 2001, the 5th respondent is a beneficiary of allotment orders and the expectation that while allotting the land to 5th respondent the petitioners ought to have been heard is accordingly noted to be rejected. Appreciating the sequence of events, logically it can be held that from the beginning, the Government is opposed to the entitlement of title of the petitioners and it has acted on its own. The petitioners have to work out the remedies in the pending

appeal and belated challenge to an order made in the year 2009 is without merit.

Hence, the writ petition fails and accordingly dismissed.

No order as to costs.

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

Date: 17.07.2018
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S. V. BHATT, J

