

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 26012 of 2007

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner seeking a writ of mandamus to declare the action of the respondents in resorting to dispossess her from the agricultural land to an extent of Acs.3.00 in Survey No.116 situated at Kamanpur Village, Karimnagar Mandal and District, as illegal and arbitrary. A consequential direction is also sought to direct the respondents not to dispossess the petitioner from the agricultural land without following due process of law.

2. Heard Mr. Ch. Jagannadha Rao, learned counsel for the petitioner, and the Government Pleader for Revenue (Telangana) appearing for the respondents.

3. It has been submitted by the learned counsel for the petitioner that the petitioner belongs to S.C. community and she has five sons and two daughters. During the life time of her husband, the respondents allotted agricultural land to an extent of Acs.3.00 in Survey No.116 of Kamanpur Village, Karimnagar Mandal and District, during the year 1980 as they are landless poor persons, and ever since then, they are in possession of the said land and eking out their livelihood by cultivating the land. While matters stood thus, the respondents issued a show-cause-notice dated 06.05.2006 calling upon the petitioner to submit explanation within 15 days as to why the

assignment granted in favour of her husband should not be cancelled, for which, she submitted explanation stating that they are landless poor persons and there is no other source of income for them to eke out their livelihood, but without passing any orders and issuing any further notice, the respondents came to the subject land and put some fixtures therein. Aggrieved by the same, the petitioner filed the present writ petition.

4. On 06.12.2007, while admitting the writ petition, this Court passed an order in W.P.M.P.No.33929 of 2007 directing the respondents not to dispossess the petitioner from the land in question, if the patta issued in the name of her husband is not cancelled.

5. The counsel for the petitioner contends that by virtue of the said interim order, the petitioner is in possession and enjoyment of the land and if the respondents intend to provide house sites to weaker sections, they may acquire the other Government lands in the village and allot the same to the deserved people. He further contends that the petitioner has not violated any conditions of the assignment and therefore the impugned action of the respondents is illegal.

6. Learned Government Pleader for Revenue appearing for the respondents submits that if at all the respondents intend to acquire the land of the petitioner for distribution of the same to the landless poor as house sites, they will follow the due process of law.

7. I have considered the rival submissions made by the parties.

I am of the view that the petitioner shall not be dispossessed from the land without following due process of law. If at all the respondents intend to acquire the land of the petitioner for distributing the same to the landless poor as house sites, they can do so after following due process of law.

8. With the above observations, the writ petition is disposed of.

No order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed.

14th March, 2018
cbs

ABHINAND KUMAR SHAVILI, J



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Writ Petition No. 26012 of 2007
(disposed of)

14th March, 2018

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