

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.46132 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the 2nd respondent in proceeding to issue final layout approval in respect of the land situated at Sy.No.125/1 of Mirzapur Village, Pudur Mandal, Vikarabad District in favour of the 8th respondent herein without considering the objections dated 7.9.2018, submitted by the petitioners and in spite of the pendency of the tenancy claim petition filed for issuance of a final certificate under Section 38-E of Tenancy Act, 1950 and revision petition filed by the petitioners to set aside the conversion proceedings, as illegal and arbitrary.

The case of the petitioners is that their ancestor late Rajab Shah Fakeer was the original protected tenant along with his four sons in respect of the agricultural land admeasuring Ac.18.08 guntas, situated at Mirzapur Village, Pudur Mandal, Vikarabad District. It is further stated that in the year 1975, the 4th respondent-R.D.O conducted enquiry under Section 4(3) of the A.P. (T.A) Tenancy Act, 1950 (for short, "the Act") and issued notices under form I & II to late Rajab Shah Fakeer for issuance of the final certificate under Section 38(e) of the Act in view of the G.O.ms.No.3 of 1973 and G.O.Ms.No.125 of 1973 dated 22.2.1973, which empower transfer of ownership rights to the protected tenant. It is further stated that late Raja Shah cultivated the above said land till his death and died leaving behind his sons as legal heirs. After the death of late Raja Shah, his sons as legal heirs and successors of the protected tenancy rights, are entitled to get succession as well as the Section 38-E final certificate as per the provisions of the Act.

While things stood thus, the 8th respondent herein approached the 6th respondent Gram Panchayat by making application for issuance to DTCP layout which forwarded by the 6th respondent to the 2nd

respondent and thereafter the 2nd respondent issued the proceedings dated 21.2.2017.

Learned counsel for the petitioner would submit that there is every possibility of issuing the draft final layout approval to the 8th respondent and hence the present writ petition came to be filed.

When the matter is taken up for hearing, learned Government Pleader for the respondents 1 and 2, on instructions, would submit that there are no proposals of final layout approvals in respect of the subject land have been received from the Panchayat Secretary, Mirzapur Gram Panchyat, Pudur Mandal, Vikarabad District (Ranga Reddy District), in favour of the 8th respondent and recording the same, the writ petition may be closed.

In view of the submission made by the learned Government Pleader for the respondents that there are no proposals of final layout approvals in respect of the subject land having been received from the Panchayat Secretary, Mirzapur Gram Panchyat, Pudur Mandal, Vikarabad District (Ranga Reddy District), in favour of the 8th respondent, the writ petition is closed, giving liberty to the petitioners to avail the alternative remedy available under law, in case of any draft final layout being approved and released in respect of the subject lands. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

C. PRAVEEN KUMAR, J

Dated:20.12.2018.
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