

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 23278 of 2019

Date: 25.10.2019

Between :

Gangaram Kistaiah

Petitioner

And

State of Telangana, rep. by its
Secretary, Revenue Department,
Secretariat Building, Hyderabad & others.

Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioner and the learned Government Pleader for Revenue and perused the record.

2. On 14.10.2019, a notice was issued to the petitioner, alleging that the terms of patta granted in his favour have been violated and the petitioner alienated the subject land mentioned therein i.e. land to an extent of Ac.0-20 guntas in Survey No.106/5 of Nagireddypali village, Bhongir mandal, Yadadri-Bhuvanagiri district. This notice is challenged in this writ petition, alleging that in respect of very same land, a complaint was made by third party to the Hon'ble Lokayukta, alleging that Pachimatla Shivaraju Goud S/o Narsaiah encroached into Government land. In response to the same, the Lokayukta called for a report from the Tahsildar and the Tahsildar vide proceedings in File No.A/1063/2017 dated 23.8.2017 submitted his report.

3. Learned counsel for petitioner places reliance on paragraph 4 of report filed by the Tahsildar, whereunder it is stated that the land in Survey No.106/3, 106/4 and 106/5 for an extent of Ac.1.07 guntas, Ac.0-20 guntas and Ac.0-20 guntas respectively is in the possession of assignees and no part of its is encroached by Pachimatla Shivaraju Goud. Learned counsel submits that the petitioner has been in possession of subject land and has not violated any terms and conditions of patta granted in his favour.

4, Be that as it may, petitioner has not responded to the notice dated 14.10.2019. If what is contended by the learned counsel for

petitioner on possession of subject land is true, nothing prevented him from taking the same plea in support of his defence that he is in possession and enjoyment of the subject land. It is not the case of the learned counsel for petitioner that the Tahsildar is not competent to issue notice under Act 9/1977. The notice contains the essential details with regard to subject property. Thus, no interference is warranted at this stage.

5. Having regard to the facts and circumstances of the case, petitioner is granted liberty to submit explanation to the 2nd respondent-Tahsildar by raising all pleas including placing reliance on the report of the Tahsildar in File No.A/1063/2017 dated 23.8.2017, within a period of two weeks from today and if any such explanation is filed, the 2nd respondent-Tahsildar shall consider the same objectively and pass appropriate orders, in accordance with law. Till such decision is made, Status quo obtaining as on today shall be maintained by the parties to the writ petition with regard to subject property.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 25.10.2019
DA

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