

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23756 OF 2019

Dated:05.11.2019

Between:

A. Rajaiah, S/o. Mallaiah,
Aged about 55 years and others

.. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat Buildigs, Hyderabad and others

.. Respondents



This Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for respondents.

2. The ancestors of the petitioners and two others were in possession and enjoyment of the Government land, even before the year 1950, admeasuring Acs.13.34 guntas in Survey Nos.179/1 to 176/6 of Kothapally Village, Thimmapur Mandal. In the year 1955, the ancestors were granted assignment pattas under Lavoni Rules. Subsequently, sethwars were issued and implemented in the revenue records reflecting the names of the assignees from 1955 onwards. Petitioners succeeded to the said extent of land and they intended to alienate the said land contending that the Lavoni pattas granted prior to 1955 were not imposed with any restriction from alienation. Therefore, they made representation to the District Collector in December 2018, acknowledged by his office on 15.12.2018, requesting him to issue No Objection Certificate in respect of land to an extent of Acs.13.34 guntas in Survey Nos.179/1 to 176/6. Alleging inaction, this Writ Petition is filed.

3. A copy of the representation with acknowledgement is filed as Ex.P6 at Page No.61 of the Writ Petition paper book.

4. Learned counsel for the petitioner submits that ends of justice would be met, if a direction is issued to the District Collector to act upon the representation and take a decision within a reasonable time.

5. Having regard to the said submission, without expressing any opinion on merits, the Writ Petition is disposed of directing the District Collector, the 2nd respondent, to examine the claim of the petitioners as ventilated in their representation, acknowledged by the office on 15.12.2018, and take appropriate decision as warranted by law by assigning due reasons in support of his decision and communicate the same to the petitioners within a period of six weeks from the date of receipt of a copy of this order. If the District Collector agrees with the contention that the petitioners are entitled to issuance of No Objection Certificate, appropriate direction be issued accordingly. Pending miscellaneous petitions, if any, shall stand closed.

Date:05.11.2019

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P.NAVEEN RAO, J

