

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24038 OF 2019

Date: 27.11.2019

Between:

Balam Ailaiah S/o.Balam Yadaiah,
Aged about 38 yrs, Occu : Agriculture,
R/o.H.No.5-75, Choutuppal Mandal,
Koyala Gudem, Nalgonda & others.

.....Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

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

2. Petitioners challenge the proceedings dated 30.9.2019 wherein pattas granted to them earlier in Survey No.143 to an extent of Ac.3-20 guntas at Choutuppal Village and Mandal, Nalgonda district were cancelled on the ground that the petitioners violated conditions of pattas granted to them.

3. Learned counsel for petitioners contends that no opportunity was given to the petitioners before taking such extreme action. It is further contended that the petitioners are eking out their livelihood by cultivating the said lands and that crop is at ripening stage, therefore, the contention of respondents that the land is not put to use is not correct.

4. With reference to the claim of petitioners that they are cultivating the land and there is a standing crop, it is a pure question of fact, which the Writ Court cannot go into that aspect. As seen from the notice, it is alleged that subject land was not put to use by the petitioners, thereby they have violated conditions of assignment.

5. Since assignment was granted to petitioners in the year 1998, to balance equities of both sides, I deem it appropriate to direct the petitioners to submit explanation to the show cause notice dated 30.9.2019 and satisfy the competent authority that the subject land was put to use and they have been cultivating the

land by eking their livelihood by virtue of said cultivation. If petitioners place before the 3rd respondent-Revenue Divisional Officer the material in support of their claim, the 3rd respondent shall consider and pass appropriate orders, if necessary, 3rd respondent may order the 4th respondent-Tahsildar to conduct physical inspection of land to ascertain whether the land was put to use by petitioners and thereafter take a decision. Till such decision is taken, the parties are directed to maintain Status quo.

6. With the above observation and direction, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

27th November, 2019
Rds

P.NAVEEN RAO,J

