

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 24164 of 2019

Date: 5.11.2019

Between :

Mohammed Osman Ali

Petitioner

And

State of Telangana, rep. by its
Principal Secretary, Revenue (Land Reforms) Department,
Secretariat Building, Hyderabad & others.

Respondents



This court made the following :

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ORDER :

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

2. Petitioner claims to be permanent resident of Durajpalli village, Chivemla mandal, Suryapet district. According to petitioner, his family was owning lands of an extent of Ac.133-48 cents in Durajpalli, an extent of Ac.142-60 cents in Chivemla village and an extent of Ac.3-79 cents in Namavaram village, Chivemla village, Suryapet district. Further details of lands are mentioned in paragraph 2 of the affidavit filed in support of the writ petition.

3. The Land Reforms Tribunal, Nalgonda passed orders on 29.7.1986 holding that under Section 13 of Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act'), the lands held by Protected Tenants are liable for exclusion as per the Telangana Tenancy and Agricultural Lands Act, 1950, which works out to 2.5395 Standard Holding (S.H.) and after exclusion of the same, declarant was left with balance holding of 3.1686, whereas the declarant was entitled to 1.4000 S.H. and therefore it was determined that the declarant possessed a net surplus holding of 1.7686 on the notified date i.e. 1.1.1975 and the same is liable to be surrendered.

4. According to petitioner, without issuing any notice to himself or his family members and without following due procedure of law and without paying compensation to the land holder, pattadar passbooks were issued in favour of Protected Tenants. In this regard, petitioner made representation to the Hon'ble Chief Minister on 1.11.1996 and in response to the said representation, the Deputy Secretary to Government, Revenue (Land Reforms) Department vide

letter dated 1.8.1997 informed the petitioner that the tenancy land to an extent of Ac.3-79 guntas out of total extent of Acs.93-13 guntas is treated as P.Ts. and that after collection of compensation amount from the tenants, the same would be paid to the declarant. It appears, thereafter petitioner made several representations, but so far amounts are not paid. On 27.6.2019 petitioner got issued a legal notice to 3rd respondent-Revenue Divisional Officer and thereafter filed this writ petition alleging inaction on the part of respondent authorities in paying compensation.

5. There are two issues in the writ petition. Firstly, entitlement of petitioner for compensation by collecting the same from P.Ts. as per the declaration given by the petitioner under the Act and secondly, delay in prosecuting the claim to grant compensation at this stage. It appears from the material averments in the writ petition that the Land Reforms Tribunal passed orders on 29.7.1986 and thereafter Certificate under Section 38-E and pattadar passbooks and title deeds were also issued in favour of P.Ts. The earliest representation of the petitioner was in the year 1996, which was ten years from Land Reforms Tribunal order and thereafter he kept quiet for more than 10 years and got issued legal notice in the year 2019. Assuming that the petitioner is entitled to receive compensation, but on the ground of inordinate delay and laches, this Court is not inclined to entertain the writ petition and grant equitable relief to a person who is sleeping over the claim for a very long time and on a very stale issue. Accordingly, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

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DA

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