

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25092 OF 2019

Date: 15.11.2019

Between:

Bhupani Laxmamma d/o. Ramachandraiah,
Aged about 50 years, occu: Agricultural Labour,
r/o. Madugulapally village and New Mandal,
(Thipparthi Old Mandal), Nalgonda district.

.....Petitioner

and

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

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims that she purchased Ac.2.00 guntas of land in Sy.No.313 of Madugulapally village, Nalgonda district from Smt. Yarla Samatha w/o. Dayakar Reddy. At the time of such purchase, she was not aware that it was assigned land as revenue records did not correctly reflect the status of the land. Subsequently, holding that the assignee alienated the land in contravention of the Telangana Assigned Lands (Prohibition of Transfer) Act, 1977 (for short, 'the Act, 1977), the land was resumed by cancelling the assignment. Revision preferred by the petitioner before the Joint Collector was also rejected, affirming the decision of the Tahsildar. However, the Joint Collector granted liberty to the petitioner to make an application to the Tahsildar under Section 4(1)(b)(i) of the Act, 1977. Accordingly, on 01.02.2019 application was made to the Tahsildar. Alleging inaction on the said application, this Writ Petition is filed.

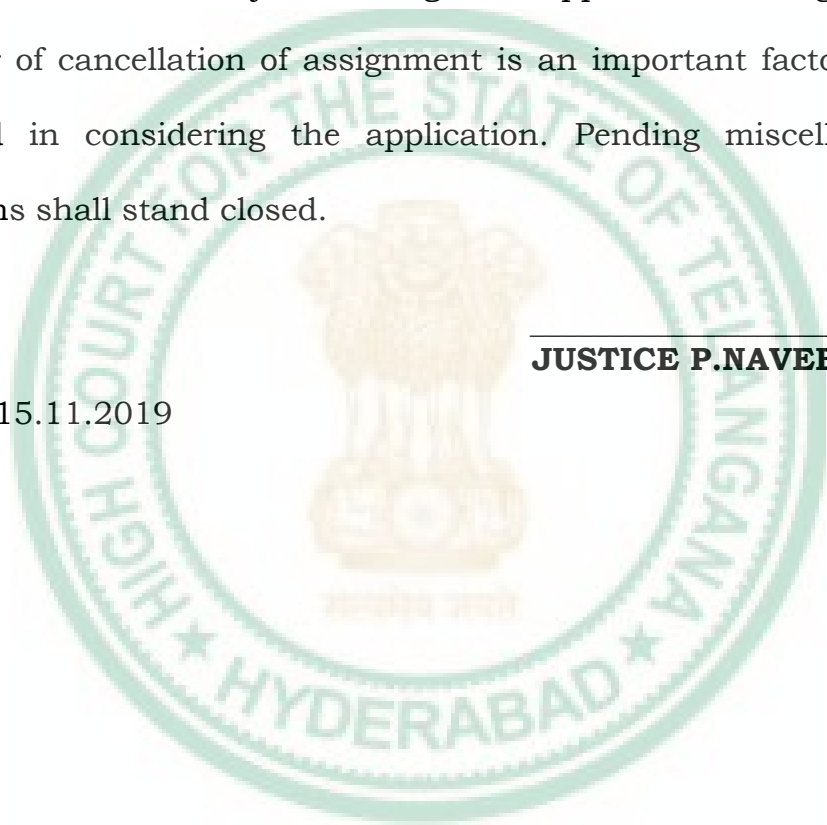
2. Though alienation of assigned land is prohibited, a saving clause is incorporated by way of amendment to Section 4(1)(b)(i) of the Act, 1977, which enables the *bona fide* purchaser to submit an application to assign the land to him subject to fulfilment of the conditions mentioned therein and to the satisfaction of competent authority that he/she is landless poor person.

3. Since application was already made requesting the Tahsildar to exercise powers under the above provision, without expressing any opinion on merits, Writ Petition is disposed of, directing the Tahsildar to examine the claim of petitioner having regard to the

provisions of the Act, 1977 and take appropriate decision as warranted by law within a period of six weeks from the date of receipt of copy of this order. According to the learned counsel for petitioner assignment was cancelled in the year 2007. Therefore, it is necessary to verify whether petitioner is in continuous possession and cultivating the land, that the land is not put to any use, nor assigned to any other landless poor person, and it is not required otherwise for public purpose, and may consider the claim of petitioner. The delay in making such application having regard to year of cancellation of assignment is an important factor to be noticed in considering the application. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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