

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25450 OF 2019

Dated:20.11.2019

Between:

Vathsavai Sridhar Varma, S/o. Surya
Narayana Raju, aged about 46 years,
Occ: Agriculture, R/o.H.No.6-79,
Bheemavaram Village, T. Kothagudem
Gram Panchayat, Pinapaka Mandal,
Bhadradri Kothagudem District and another .. Petitioners

And

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



This Court made the following:

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ORDER:

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

2. The 2nd petitioner claims to be the owner and in possession of H.No.6-79 along with the land in Survey No.17 to an extent of Ac.0.04 guntas in Bheemavaram Village, T. Kothagudem Gram Panchayat in Bhadradi Kothagudem District. According to the 2nd petitioner, it is a Grama Kantam land and house was constructed about 50 years ago. In this Writ Petition, petitioners challenge the show cause notice, dated 15.11.2019, issued under Section 7 of the Telangana Land Encroachment Act, 1905 (for short, 'the Act').

3. According to learned counsel for the petitioners, the show cause notice is vitiated on two grounds. Firstly, the Act is not made applicable to the State of Telangana after formation of the State of Telangana. Therefore, the question of setting aside the notice is not valid. Secondly, the subject property stands in the name of the 2nd petitioner, whereas the notice was issued in the name of the 1st petitioner and therefore the same is illegal.

4. Vide G.O.Ms.No.45, Law (F) Department, dated 01.06.2016, in exercise of powers vested under Section 10 of the Andhra Pradesh Reorganization Act, 2014, the adoption proceedings are issued adopting various enactments. In the First Schedule appended to the said notification, the list of enactments is mentioned against Serial No.10. The Andhra

Pradesh Land Encroachment Act, 1905 is enacted adopting the same to the State of Telangana. Therefore, there is no merit in the contention of learned counsel for the petitioners.

5. From a reading of the notice, dated 15.11.2019, it is seen that it was addressed to V. Vathsavai Sridhar Varma, the 1st petitioner, but the petitioners claim that the subject property stands in the name of the 2nd petitioner. In support of the said contention, petitioners have enclosed the receipts issued by the Gram Panchayat in the name of the 2nd petitioner. Though the notice was issued to the 1st petitioner, the 2nd petitioner is the wife of the 1st petitioner, both the petitioners are within the knowledge of the alleged notice issued by the competent authority. Furthermore, except placing reliance on the receipts issued by the Gram Panchayat, no other documents are placed on record to show that the property is actually standing in the name of the 2nd petitioner and the 2nd petitioner is independently living from the 1st petitioner. From the description of the cause title, it is seen that the address of both the petitioners is one and the same. On this ground also, the show cause notice need not be set aside.

6. The Writ Petition is accordingly dismissed leaving it open to the petitioners to raise all objections as available in law in respect of the show cause notice, dated 15.11.2019. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

Date:20.11.2019

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