

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25763 OF 2019

Date: 22.11.2019

Between:

Smt Kempu Lakshmi W/o.K.Ganga Ram,
Aged about 65 yrs, Occu : Agriculturist,
R/o.Mugpal Village & Mandal,
Nizamabad District.

.....Petitioner

And

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

.....Respondents



The Court made the following:

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ORDER:

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

2. Petitioner claims to be the owner and in possession of agricultural land to an extent of Ac.1-20 guntas in Sy.No.461 of Mugpal Village & Mandal, Nizamabad District. Petitioner claims that the said extent of land was purchased by her by paying sale consideration on a bonafide belief that it is a private patta land and is alienable. However, proceedings under the Telangana Assigned Lands (POT) Act, 1977 (for short 'the Act, 1977') were initiated on the allegation that the original assignee by name Gajula Sailoo S/o.Sayanna sold the land to petitioner contrary to the assignment conditions. Therefore, having found that the assignment conditions are violated, after hearing both parties, orders are passed on 03.08.2019 cancelling the assignment and claiming possession to the Government.

3. Learned counsel for the petitioner fairly submits that so far the status of land vested in the vendor of petitioner is not disputed. However, petitioner is also a landless poor person and the purchase made by her was under a bonafide belief that it was a private patta land and alienable. Therefore, she filed an application on 12.11.2019, before the Tahsildar, requesting him to reassign the land to her, as she is a landless poor person.

4. This writ petition is filed challenging the proceedings dated 03.08.2019 of the Tahsildar resuming the land from the petitioner.

5. Against the decision of Tahsildar, remedy of appeal is available. However, learned counsel for the petitioner fairly submits that since petitioner is not disputing the status of original assignee and non-alienation condition, the relief is confined only to consider the application made by the petitioner to reassign the land by treating her as landless poor person.

6. Having regard to the above, the Writ Petition is disposed of directing the Tahsildar to consider the application made by the petitioner on 12.11.2019 to reassign the land claiming that she is a bonafide purchaser and that she is also a landless poor person. Till a consideration is made and appropriate orders are passed, status-quo obtaining as on today shall be maintained by the parties. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

22nd November, 2019
Rds