

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 26414 OF 2019

Date: 29.11.2019

Between:

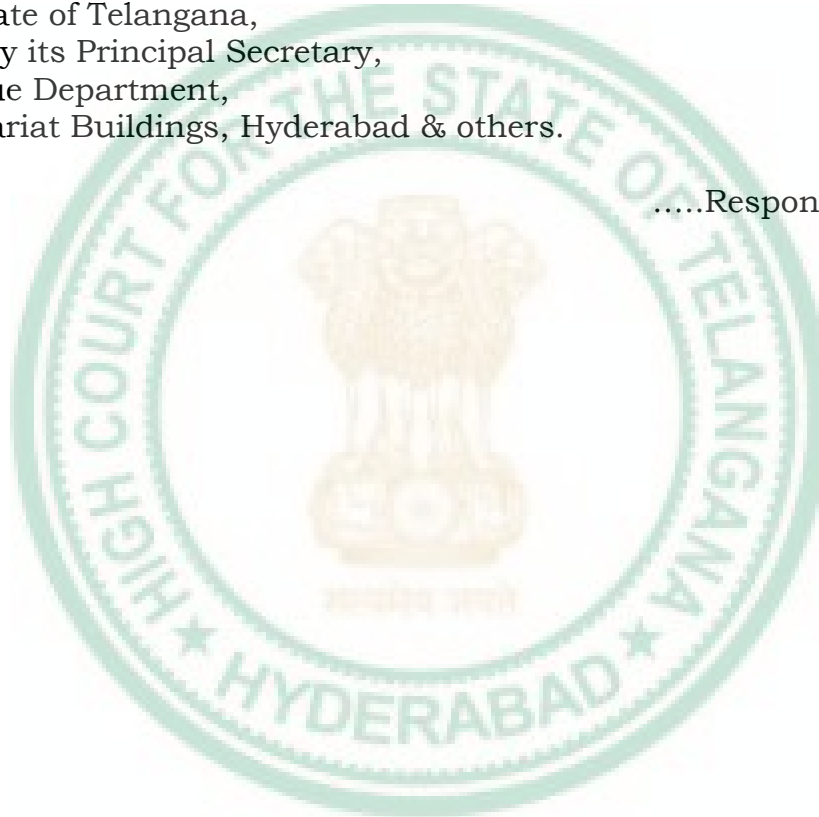
Kalvala Vinoda W/o.Narayana,
Aged about 52 yrs, Occu : Agriculture labour,
R/o.Chinnkalvala Village,
Sulthanabad Mandal, Peddapalli District
(Old Karimnagar District) & others.

.....Petitioners

And

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

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for respondents 1 to 4.

2. Petitioners claim that they were allotted house site pattas under 2nd Phase Indiramma Programme in the year 2011-12 on land to an extent of Ac.2-07 guntas in Sy.No.75/C of Chinnakalvala Village, Sulthanabad Mandal, Peddapalli District. A notice dated 09.10.2019 was issued by the Tahsildar, calling upon the petitioners to show cause why the patta certificates issued on 01.06.2012 shall not be cancelled. Challenging the said notice, this writ petition is filed.

3. According to learned counsel for the petitioners, consequent to grant of pattas they have constructed houses and living and if they are now thrown out of their houses grave prejudice would be caused to them and they would be shelterless. He further submits that the Government having identified them as beneficiaries, granted house sites under 2nd phase Indiramma Programme and they cannot now cancel the pattas granted to them.

4. The material on record would disclose that the notice refers to the judgment rendered by this Court on 14.06.2018 in W.P.No.18710 of 2012. The said writ petition was filed by the owners of land claiming that illegally their land was acquired and it was not put to use for long time, therefore, the acquisition proceedings be declared as illegal. By judgment dated 14.06.2018, the said writ petition was allowed.

5. A reading of the judgment in W.P.No.18710 of 2012 would disclose that the land was not put to use, no houses were constructed and no material was placed before the Court to show that plotting was made and plots were handed over to the beneficiaries. In other words, the Court noticed that except giving pattas of house plots, no consequential steps are taken. The present notice is in compliance of the judgment rendered by this Court in the said writ petition.

6. Learned counsel for the petitioners informs that challenging the judgment in W.P.No.18710 of 2012, W.A.No.868 of 2019 was filed and is pending consideration by the Division Bench. Learned counsel also submits that petitioners are intending to implead themselves in the said W.A.No.868 of 2019.

7. Be that as it may, since no stay was granted and petitioners are only beneficiaries of pattas granted to them, whereas, the dispute was between the owners of land and the Government, as Government lost the case and unless reversed by the appellate Court, petitioners cannot insist against cancellation of pattas granted to them. Moreover, what is challenged is only a notice and it cannot be said that it is without competence and jurisdiction of the Tahsildar.

8. For the above stated reasons, the Writ Petition is dismissed, leaving it open to the petitioners to work out their remedies. It is also open to the petitioners to respond to the notice dated 09.10.2019 by filing their explanation. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

29th November, 2019
Rds