

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27275 OF 2019

Date: 10.12.2019

Between:

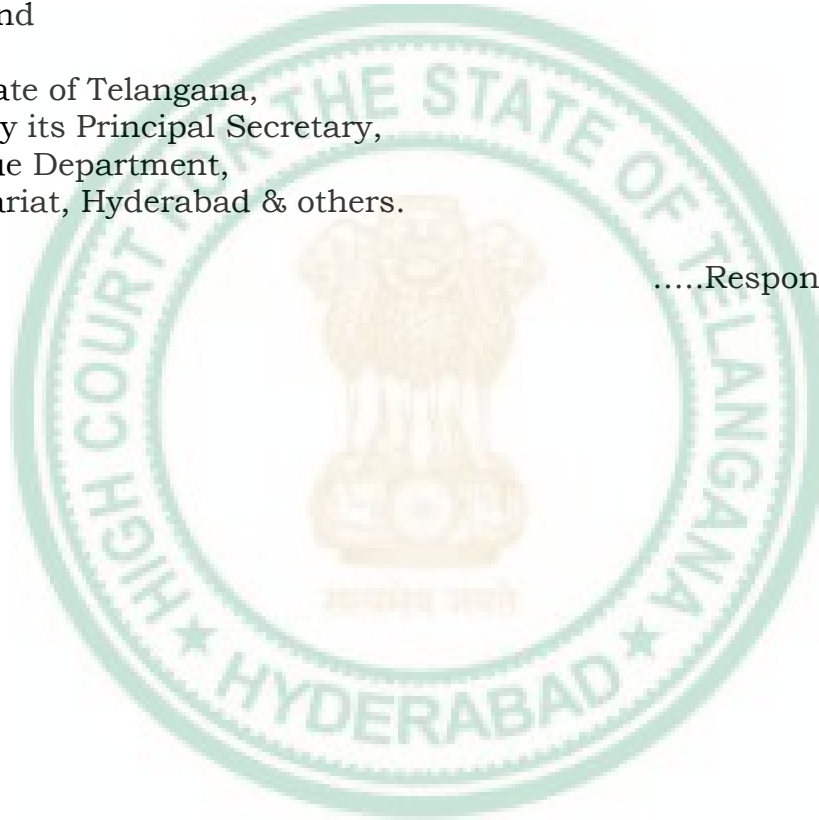
Ulfat Patel,
S/o.Khan Patel,
Aged about 41 yrs, Occu : Business,
R/o.H.No.8-15-70/1, Shastripuram,
Plot No.936, Shivarampally, K.V.
Ranga Reddy District,
Telangana 500 052

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
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 1 to 4.

2. Petitioner claims to be the owner and in possession of land in Sarf E Khas admeasuring Ac.22-27 guntas in Jalpally Village, Balapur Mandal, Ranga Reddy District. Petitioner claims that he acquired the said land by way of an oral gift in the year 1984 and the same was reduced in writing, into a Gift deed on 12.04.1997 from Asad Ullah Khan, the registered GPA holder of Nawab Mir Barkat Ali Khan Bahadur i.e., H.EH, the VIIIth Nizam of Hyderabad, vide registered document No.1083/1990, dated 28.12.1990. Petitioner now alleges that the 5th respondent allegedly claiming to be the purchaser of land to an extent of Ac.6-00 guntas in Sy.Nos.3/A, 3/E, 4/1/A, 4/1/1/E and 4 of Shahajadi Begum Village, Shamshabad Mandal and some more extents of land and in the guise of said purchase, it seems to have applied for conversion of agriculture land for non-agriculture purpose. Having come to know that the 5th respondent has applied for conversion of agriculture land to non-agriculture purpose, which is also affecting the petitioner's land, he filed objections on 14.11.2019, and alleging that his objections are not considered and the respondent-authorities are in the process of issuing conversion order, this writ petition is filed.

3. The averments in Paragraph No.16 of the affidavit filed in support of the writ petition, would disclose that petitioner filed O.S.No.1096 of 2019 pending in the Court of XIV Additional District Judge, Ranga Reddy District at L.B.Nagar, praying to grant declaration of title and consequential injunction and to declare the sale deeds of 5th respondent as null and void and not binding on the petitioner.

4. Learned counsel for the petitioner also submits that petitioner filed interlocutory application for grant of injunction and the same is pending consideration of the trial court.

5. In other words, the issue whether petitioner has a title and whether the sale deeds obtained by the 5th respondent are void is the matter for consideration by the Trial Court and petitioner has already filed application for grant of injunction order. That being so, when the matter is ceased before the civil Court, this Court is not inclined to entertain the writ petition, though learned counsel for the petitioner points out, that as per Rule 5 of the A.P. Agricultural Land (Conversion For Non-Agricultural Purposes) Rules, 2006, the Collector is competent to consider the issue, even before the order is passed by the Mandal Revenue Officer, he ought to have considered the objections filed by the petitioner.

6. Having regard to the plea raised by the petitioner before the civil Court which is yet to be adjudicated, this Court is not inclined to grant the relief as sought for and further whatever relief sought in this writ petition is nothing but a pre-emptive litigation, even before a decision is taken by the competent authority.

7. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out his remedies as available in law. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

10th December, 2019
Rds

