

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4666 of 2014

ORDER:

1 The grievance of the petitioner was that the Tahsildar, Kataram Mandal, Karimnagar District, was interfering with her house construction activity in her plot in Sy.No.132/1 of Garepalli Revenue Village, Kataram Mandal, Karimnagar District.

2 By order dated 19.02.2014, the erstwhile common High Court for the States of Telangana and Andhra Pradesh took note of the fact that the petitioner claimed that she was granted permission by the Gram Panchayat concerned on 24.10.2013 and that she claimed that she was taking up the construction in accordance therewith and accordingly directed the Tahsildar not to interfere with the said construction if the petitioner chose to take up such activity, in accordance with the permission granted, at her own risk.

3 WVMP No.1195 of 2014 was filed by the erstwhile Government of Andhra Pradesh and the Tahsildar, Kataram Mandal, Karimnagar District, to vacate the aforestated order.

4 Perusal of the counter affidavit filed in support thereof demonstrates that the Tahsildar, Kataram Mandal, claimed that the land in Sy.No.132 of Garepally Shivar admeasuring Ac.6-36 guntas, was Government land which was assigned to eligible persons and such assigned land was not liable to be alienated as per the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. He further stated that the husband of the petitioner purchased 302.05 sq. yards of assigned land under a registered sale deed in violation of the provisions of

the aforesaid Act and that the transaction was illegal in its very inception. The Tahsildar further stated that the Gram Panchayat ought not to have given construction permission in such assigned land and accordingly sought vacating of the interim order.

5 Sri K. Jagadishwar Reddy, learned counsel for the petitioner, would state that pursuant to the interim order granted by the common High Court as long back as on 19.02.2014, the petitioner has already completed the construction.

6 Even if that be so, it would not bar the authorities from taking necessary action in the event the stand taken by the Tahsildar, Kataram Mandal, in the counter affidavit is established on facts.

7 The writ petition is accordingly closed leaving it open to the respondent authorities to take appropriate action, as warranted, in accordance with law.

8 Miscellaneous Petitions pending in this Writ Petition shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

24th January, 2019
Kvsn