

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28583 OF 2019

Date:26.12.2019

Between:

Yeruva Chinnamma, W/o. Late Chinnappa
Reddy, Aged 57 years, Occ: Agriculture,
R/o.H.No.8-25, Gummadidala Village and
Mandal, Sanga Reddy District

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.28583 OF 2019****ORDER:**

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

2. Petitioner claims that she purchased land to an extent of Ac.0.29 guntas in Survey No.501, Ac.0.03 guntas in Survey No.502 of Gummadidala Village and Mandal, Sanga Reddy District, by way of a registered sale deed in the year 1998. She claims to be in possession and enjoyment of the subject property. The Tahsildar also issued certificates stating that the subject lands are patta lands as early as in the year 2015. That being so, on 01.11.2019, notice was issued to the petitioner calling upon her to submit alienation proceedings or documents, if any, issued in her favour within a period of three days. On 04.11.2019, petitioner claimed to have submitted a detailed explanation enclosing certain documents mentioned in the explanation. The said explanation was sent by way of registered post with acknowledgement due. On 13.11.2019, again a notice was issued to the petitioner stating that there was no response to the notice issued on 01.11.2019 and no documents were filed in proof of her claim. Petitioner submitted her explanation on 20.11.2019 informing the Tahsildar that she already submitted her explanation. However, on 05.12.2019, again notice in Form – II was issued to the petitioner calling upon her to show cause as to why she should not be summarily evicted from the subject lands, as the transaction claimed by her is in violation of Section 3 of the Telangana

Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act, 1977).

3. To complete the narration of facts, it is also seen that the Government included the subject lands in the list of prohibited properties under Section 22-A of the Registration Act prohibiting registration of the documents of conveyance. Petitioner submitted application before the Collector requesting him to delete the subject properties from the list of prohibited properties.

4. It appears, the subject land belongs to the Government and were assigned to landless poor person and the Government alleges that contrary to the terms of assignment, petitioner purchased the land and therefore the provisions of the Act, 1977 are violated.

5. Learned counsel for the petitioner sought to contend that the assignment was made prior to 1958; therefore non-alienation clause is not attracted; purchase made by the petitioner is valid and the provisions of the Act, 1977 are not attracted.

6. From the reading of the explanation submitted by the petitioner on 04.11.2019, it is seen that no such stand was taken by her and she has not placed the documents before the competent authority to prove that title was validly passed on to her. Therefore, *prima facie*, it cannot be said that notice is without jurisdiction and competence and what is alleged against the petitioner is not valid in law warranting interference by this Court at the stage of issuance of notices.

7. The Writ Petition is accordingly disposed of leaving it open to the petitioner to file a detailed explanation within one week from

the date of receipt of a copy of this order, explaining passing of title to her and that the non-alienation clause was not attracted to the assignment and purchase was validly made. If such explanation is filed by the petitioner within the time granted, the Tahsildar shall consider the same and pass appropriate orders by assigning due reasons in support of his decision. Till orders, as noted above, are passed by the Tahsildar, no coercive action shall be taken against the petitioner, if she is not already dispossessed from the subject lands. Miscellaneous petitions, if any, shall stand closed.

Date:26.12.2019

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P.NAVEEN RAO, J

