

THE HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.29041 AND 29043 OF 2019

Date:30.12.2019

W.P.No.29041 of 2019

Between:

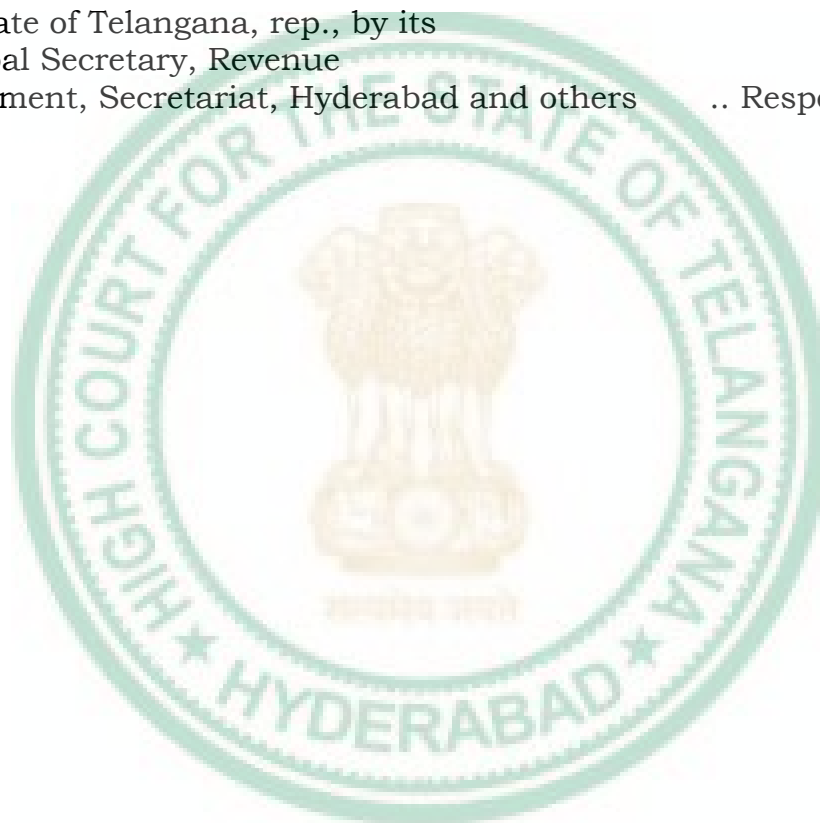
Sri T. Kishan Singh, S/o. Sri T. Prem
Singh, aged 40 years, Occ: Business,
R/o.15-1-419, Feel Khan,
Begum Bazar, Hyderabad

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.29041 AND 29043 OF 2019

COMMON ORDER:

Heard learned senior counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 to 5 and learned Government Pleader for Home for respondent No.6.

2. These writ petitions are instituted challenging the order of the Tahsildar, Nampally Mandal, Hyderabad, dated 19.12.2019, passed under Section 6 of the Telangana Land Encroachment Act, 1905 (for short, 'the Act, 1905').

3. According to learned senior counsel appearing for the petitioners, in response to the notice issued under Section 7 of the Act, 1905, detailed explanations were offered by the petitioners on the status of the land and on various aspects. Without regard to the objections filed, summarily orders were passed holding that the petitioners are in illegal encroachment of the Government land and ordered for eviction.

4. Learned senior counsel appearing for the petitioners submits that though remedy of appeal under the Act, 1905 is available to the petitioners and the appeal can be filed within 30 days, the premises was immediately locked by the authorities.

5. From the reading of the orders impugned in the writ petitions and the objections filed by the petitioners, it is apparent that detailed explanations filed by the petitioners were not considered before the decision was taken holding that the petitioners are in unauthorized occupation of the premises.

6. Having regard to the same, learned counsel on either side agree for remanding the matters to the Tahsildar for taking a fresh view of the matters on due consideration of the explanations offered by the petitioners.

7. The Writ Petitions are accordingly allowed and the matters are remanded to the Tahsildar, Nampally Mandal, Hyderabad, for consideration of the issue afresh. The Tahsildar is directed to examine the explanations offered by the petitioners by assigning due reasons for each of the objections filed by them and pass orders and communicate the decision to the petitioners.

Pending consideration of the issue by the Tahsildar, the lock and key of the premises shall be opened and handed over to the petitioners. However, the petitioners are directed not to put to use the premises and undertake any development activity in the premises. Handing over of the premises is only for the purpose of maintaining the premises by the petitioners.

Miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

Date:30.12.2019

Note:- Issue C.C. in two days.

(B/o)
KH