

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1646 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents in not considering the petitioners' representation, dated 30.09.2019, for assigning the land to an extent of Ac.2-00 guntas in Survey No.375/11, situated at Chepur Village, Armoor Mandal, Nizamabad District, as per the policy of the Government for assignment of the Government lands in favour of poor Scheduled Caste community people and also as per the orders/instructions issued by the Government from time to time, as arbitrary and illegal.

2. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for the respondents.

3. The petitioners are wife and husband. Their case is that they are in possession and enjoyment of the subject land and cultivating the same for the last more than 40 years. It is stated that originally the subject land was assigned to the brother of the 1st petitioner. While so, pursuant to the report submitted by the then Mandal Revenue Officer vide proceedings, dated 11.02.1986, his assignment has been cancelled by the Revenue Divisional Officer, Nizamabad vide proceedings, dated 19.08.1992 on the ground that as on the date of assignment, the brother of the 1st petitioner was minor and his father was working as Village Servant. It is stated that though assignment was cancelled, land is

not resumed by the authorities concerned and the petitioners are in possession and enjoyment of the subject land.

4. The grievance of the petitioners is that they are in possession and enjoyment of the subject land for the last more than 40 years. It is their case that though assignment granted in favour of brother of 1st petitioner was cancelled, the Tahsildar concerned has not resumed the subject land as on today and they are cultivating the same. The prayer in the writ petition is to consider their representation, dated 30.09.2019, for assignment of the subject land as per the Government orders issued from time to time.

5. Having regard to the same, and considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the Writ Petition is disposed of directing respondent Nos.2 and 3 to consider the representation of the petitioners, dated 30.09.2019, and pass appropriate orders, in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

28th January, 2020

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Date:28.01.2020

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