

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.14148 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein, the following prayer is made:

“to issue a writ, order or direction more particularly one in the Nature of the Writ of Mandamus to direct the respondents not to interfere with the peaceful physical possession and enjoyment of the petitioner over the land admeasuring Ac.5.00 gts in Sy.No.181/2 situated at Khajipalli Village, Jinnaram Mandal, Sanga Reddy District, without issuing any notice and without following the procedure contemplated under the law as illegal, arbitrary and unconstitutional, being violation of the Article 14, 21 and 300-A of the Constitution of India and against the principles of natural justice and also contrary to the provisions of the law and pass such other orders...”

2. Heard the learned counsel for the petitioner, learned Special Government Pleader representing the learned Advocate General for respondents and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is the owner and possessor of agricultural land admeasuring Ac.5-00gts in Sy.No.181/2 situated at Khajipally Village, Jinnaram Mandal, Sangareddy District. The petitioner was an Ex-Serviceman and the subject land was allotted to the petitioner under Ex-Serviceman quota vide Final Patta Certificate Pro.No.C/563/2000-2004 dated 15.12.2007. It is further submitted that the name of the petitioner was mutated in the revenue records as owner and possessor of the subject land and he was also granted pattadar pass books and title deeds. It is

contended that without resorting to legal process, the official respondents are trying to interfere with the peaceful possession and enjoyment of the petitioner over the subject land and ultimately prayed to grant the relief as indicated above.

4. On the other hand, learned Special Government Pleader representing the learned Advocate General would submit that in fact, the subject land has not been allotted to the petitioner vide Patta Certificate No.C/563/2000-2004 dated 15.12.2007. It is further submitted that learned Joint Collector concerned, had invoked the provisions under Section 166B of A.P (Telangana Area) Land Revenue Act, 1317 Fasli. Pursuant to that, a notice has also been issued to the petitioner. It is averred on behalf of the official respondents that necessary action would be taken in accordance with law and they will not resort to any illegal attempt.

5. Under these circumstances, the learned Joint Collector is directed to issue another notice under Section 166B of the A.P (Telangana Area) Land Revenue Act, 1317 Fasli to the petitioner through Registered Post with Acknowledgment Due and take necessary action in accordance with law. Till such time, the official respondents shall not resort to any unlawful acts. During the pendency of proceedings before the learned Joint Collector, the petitioner shall not create any encumbrance in respect of the subject land. In the course of enquiry before the learned Joint Collector or any other authority, as the case may be, the petitioner is entitled to take all the defences available under law.

6. With the above observations, this Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 06.10.2020
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