

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO. 17412 OF 2020

Between:

Panjala Laxmamma, W/o. Late Durga Goud, Aged about 75 years, Occ: Agriculture,
R/o. Velloor Village, Wargal Mandal, Siddipet - Medak District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Revenue Department, BRK Bhavan, Tank Bund Road, Hyderabad.
2. The District Collector, Siddipet - Medak District, Siddipet.
3. The Revenue Divisional Officer, Siddipet Revenue Division, Siddipet - Medak District, Siddipet.
4. The Thasidhar, Wargal Mandal, Siddipet - Medak District. Wargal.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the high handed action of the Respondents No.4 in threatening to disposes the petitioner from the schedule property and with out issuing or serving the copy of order vide proc.No.B/1552/2013 dated 06.02.2014 and after six years issued the Memo No. B/1552/2013 dated 06.09.2020 to the Girdavar/Village Revenue officer directing to take back the land by conducting panchanama and deleting petitioner's name from revenue records for the schedule property in Sy No. 370/4 to an extent of Ac 01.03 guntas situated at Velloor Village, Wargal Mandal, Siddipet - Medak District is illegal, arbitrary, contrary to the provisions of Record of rights act besides violation Article 14, 19, 21 & 300-A Constitution of India by setting aside the same and consequently direct the Respondents Not to disposes the petitioner from the schedule property.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order vide proc.No.B/1552/2013 dated 06.02.2014 and the Memo No. B/1552/2013 dated 06.09.2020 issued by the Respondents No. 4 and Not to disposes the petitioner from the schedule property in Sy No. 370/4 to an extent of Ac 01.03 guntas situated at Velloor Village, Wargal Mandal, Siddipet - Medak District by considering the Representation of the petitioner dated 10.09.2020 pending disposal of Main writ petition.

**Counsel for the Petitioner: SRI G. SRIDHAR REDDY
Counsel for the Respondents: AGP FOR REVENUE**

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.17412 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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the high handed action of the Respondents No.4 in threatening to dispossess the petitioner from the schedule property and without issuing or serving the copy of order vide proc.No.B/1552/2013 dated 06.02.2014 and after six years issued the Memo No.B/1552/2013 dated 06.09.2020 to the Girdavar/ Village Revenue Officer directing to take back the land by conducting panchanama and deleting petitioner's name from revenue records for the schedule property in Sy.No.370/4 to an extent of Ac.01.03 guntas situated at Veloor Village, Wargal Mandal, Siddipet-Medak District, is illegal, arbitrary, contrary to the provisions of Record of Rights act besides violation Articles 14, 19, 21, & 300-A Constitution of India by setting aside the same and consequently direct the Respondents not to dispossess the petitioner from the schedule property and to pass such other order or orders...."

2. Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing for respondents and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner is the owner and possessor of land admeasuring Ac.1.03 gts in Sy.No.370/4 situated at Veloor Village, Wargal Mandal, Siddipet-Medak District. The respondent No.4-Tahsildar, Wargal Mandal, Medak District, without Issuing any notice to the petitioner, passed the order dated 06.02.2014 in proceedings No.B/1552/2013 and ordered, resumption of subject land. Furthermore, after more than six years, the respondent No.4 has also issued a Memo dated 06.09.2020 directing the Mandal

Girdavar at Wargal and Village Revenue Officer (VRO), Veloor village to resume the subject land into Government custody by evicting the petitioner, which is illegal, arbitrary and ultimately prayed to grant the relief as indicated above.

4. On the other hand, learned Assistant Government Pleader for Revenue would submit that there is specific mention in the order dated 06.02.2014 passed by the respondent No.4, that notice was issued to the pattadar i.e, petitioner and it was received by the petitioner and she failed to submit her explanation. It is further submitted that against the order dated 06.02.2014 passed by the respondent No.4-Tahsildar, the petitioner has to prefer an appeal under Section 4A of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 but not the writ petition and ultimately prayed to dismiss the writ petition.

5. A perusal of the impugned order dated 06.02.2014 vide Proceedings No.B/1552/2013 passed by the respondent No.4-Tahsildar, Wargal Mandal, Medak District, reveals that notice was received by the petitioner and she failed to submit her explanation to that notice. Therefore, in this writ petition it is not appropriate to hold that the order dated 06.02.2014 was passed without issuing notice to the petitioner and the consequential Memo dated 06.09.2020 issued by the respondent No.4, directing the Mandal Girdavar and VRO, Veloor Village, to resume the subject land by evicting the petitioner, is liable to be set aside. In the given circumstances of the case, the petitioner

ought to have filed an appeal before the Revenue Divisional Officer, seeking appropriate relief, which she did not do so. Since there is clear mention in the order dated 06.02.2014 passed by the respondent No.4, with regard to service of notice, no relief as sought by the petitioner can be granted in this writ petition. However, the petitioner is entitled to work out the remedies before competent authority, in accordance with law.

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

The miscellaneous petitions pending, if any, shall stand closed.

SD/- CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Revenue Department, State of Telangana, BRK Bhavan, Tank Bund Road, Hyderabad.
2. The District Collector, Siddipet - Medak District, Siddipet.
3. The Revenue Divisional Officer, Siddipet Revenue Division, Siddipet - Medak District, Siddipet.
4. The Thasidhar, Wargal Mandal, Siddipet - Medak District, Wargal.
5. One CC to Sri G. Sridhar Reddy, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies.

MP



HIGH COURT

DATED:7/12/2020



ORDER

WP.No.17412 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑨ VW
21/12/20