

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

WEDNESDAY, THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No. 17363 OF 2020

Between:

Mangali Jayamma, W/o. B. Anjaneyulu, Aged 64 years, Occ. Agriculture,
R/o. H.No.4-128, Gummadam Village, Pebbair Mandal, Mahabubnagar District

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Wanaparthy District, Wanaparthy.
3. The Revenue Divisional Officer, Wanaparthy Division, Wanaparthy.
4. The Tahsildar, Pebbair Mandal, Pebbair, Wanaparthy District
5. Ranga Das, S/o. Krishnaiah, Aged 50 years, Occ. Agriculture, Sarpanch, Gummadam Thanda, Pebbair Mandal, Wanaparthy District.

...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 action of the Respondents in dispossessing the Petitioner from her land admeasuring Ac.0.20 gts., in Sy.No.463, situated at Gummadam Village, Pebbair Mandal, Wanaparthy District without following due process of law, as arbitrary, illegal, violative of Articles 14, 21 and 300 A of the Constitution of India and consequently direct the Respondents to follow the due process of law under Land Acquisition Act,

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 direct the Respondents not to dispossess the Petitioner without following the due process of law from her land admeasuring Ac.0.20 gts., in Sy.No.463, situated at Gummadam Village, Pebbair Mandal, Wanaparthy District, during pendency of writ petition. Otherwise the Petitioner will be put to irreparable loss and injury.

Counsel for the Petitioner: SRI G. MADHUSUDHAN REDDY

Counsel for the Respondent Nos. 1 to 4: AGP FOR REVENUE

Counsel for the Respondent No.5: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.17363 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 action of the Respondents in dispossessing the Petitioner from her land admeasuring Ac.0.20 gts in Sy.No.463, situated at Gummadam Village, Pebbair Mandal, Wanaparthy District without following due process of law, as arbitrary, illegal, violative of Article 14, 21 and 300 A of the constitution of India and consequently direct the Respondents to follow the due process of law under Land Acquisition Act and pass such other order or orders..."

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 and perused the record.

3. The learned counsel for the petitioner would contend that the husband of the petitioner was assigned land admeasuring Ac.0.20 guntas in Sy.No.463 situated at Gummadam Village, Pebbair Mandal, Wanaparthy District in the year 1999. After assignment of the said land, the husband of the petitioner paid market value upon which, the 4th respondent/Tahsildar, Pebbair Mandal, issued Final Patta certificate in the name of the petitioner's husband and his name was mutated in the revenue records. The Pattadar Passbook and pahanies reveal the name of the petitioner's husband as absolute owner and possessor of the said land. After the demise of the petitioner's husband on 25.12.2012, the petitioner made an application to the 4th respondent to mutate her name in the revenue records in respect of the subject land. The 4th respondent, after due enquiry, mutated the name of the petitioner in the revenue records and issued E-Pattadar Passbook in favour of the petitioner. While so,

on 25.09.2020, the 4th respondent/Tahsildar and the 5th respondent/Sarpanch of Gummadam Village, visited the subject land belonging to the petitioner and tried to dispossess her from the subject land for the purpose of construction of park (under Pracruthi Vanam programme), without issuing any notice and without paying compensation under Land Acquisition Act. The petitioner and her family members are eking out livelihood by cultivating the subject land and there is standing crop on the subject land. There is Government land admeasuring Acs.42.36 guntas available in Gummadam Village. Instead of constructing Park under Pracruthi Vanam programme in the said Government land, the officials respondents, in collusion with the unofficial respondent No.5, are trying to illegally dispossess the petitioner from the subject land without following the due process of law and ultimately prayed to grant the relief sought in this writ petition.

4. On the other hand, the learned Assistant Government Pleader, on written instructions, submitted that as per the Government instructions, minimum Ac.0.20 guntas of land is to be allotted in all villages for establishment of 'Palle Pracruthi Vanalu'. Accordingly, Ac.0.20 guntas of land has been identified in Sy.No.463 nearby Chinna Gummadam habitation, which is un-assigned Government land covered by bushes. The land identified for establishment of 'Palle Pracruthi Vanalu' is different from the subject land belonging to the petitioner, though both the lands are located in the same survey number, i.e., Sy.No.463. The respondents are not disturbing the physical possession of the petitioner over the subject land. Even the respondents are not meddling with the standing crop in the subject land belonging to the petitioner and ultimately prayed to dismiss the

writ petition.

5. Since there is no interference of the respondents in the subject land as submitted by the learned Assistant Government Pleader on written instructions, no orders are required to be passed in this writ petition.

6. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Wanaparthy District, Wanaparthy.
3. The Revenue Divisional Officer, Wanaparthy Division, Wanaparthy.
4. The Tahsildar, Pebbair Mandal, Pebbair, Wanaparthy District
5. One CC to Sri. G. Madhusudhan Reddy, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies

Prk



HIGH COURT

DATED:21/10/2020



ORDER

WP.No.17363 of 2020

Disposing of the WP.
without costs.

SSV
9 copies
Dt 2/11/2020