HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY ,THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 20071 OF 2020

Between:

1. Mahankali Narsaiah, S/o. Ilaiah aged about 59 years, Occ.Agriculture, R/o.H.No,17-61, Sangupalli Village, Gajwel Mandal, Siddipet District.
2. Mahankali Beeraiah, S/o Ilaiah aged about 49 years, Occ.Agriculture, R/o.H.No.17-104. Sangupalli Village, Gajwel Mandal, Siddipet District.
3. Gaddam Mallavva, W/o.Gaddam Odaiah aged about 59 years, Occ.Agriculture. R/o. H.No.17- 186, Sangupalli Village, Gajwel Mandal, Siddipet District.

...PETITIONERS

AND

1. State of Telangana, rep. by its Principal Secretary. Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Siddipet District.
3. The Revenue Divisional Officer, Siddipet Division, Siddipet District.
4. The Tahsildar, Gajwel Mandal, Siddipet 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 a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly the 2nd respondent herein in not considering the application of the petitioners dated.21.01.2019 made for issuance of NOC in respect of patta land bearing sv.nos.703/A2/1/1 admeasuring Ac.1-27 Gts., sy.no.703/A2/2/1 admeasuring Ac.1-27 Gts., and sy.nos.703/A2/3/1 admeasuring Ac.1-27 Gts., respectively, situated at Gajwel Village and Mandal, Siddipet District, even after recommendation of the 3rd respondent dated.14.05.2008 for grant of NOC, is illegal, arbitrary, unjust, unconstitutional and in violation of principles of natural justice, and consequently direct the respondents to consider the case of the petitioners for grant of NOC in respect of subject patta lands, after following the procedure strictly in accordance with law, Immediately.

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 2nd respondent to consider the application of the petitioners dated.21.01.2019 made for issuance of NOC in respect of pasta land hearing sy.nos703/A2/1/1 admeasuring Ac,1-27 Gts., sy.no.703/A2/2/1 admeasuring Ac.1-27 Gts., and sy.nos.703/A2/3/1 admeasuring Ac.1-27 Gts., respectively, situated at Gajwel Village and Mandal, Siddipet District, as per the recommendation of the 3rd respondent vide letter dated.14.05.2008, after following the procedure strictly in accordance with law. immediately, pending disposal of the writ petition.

Counsel for the Petitioner : SRI MOHD. MOIN AHMED QUADRI
Counsel for the Respondents: AGP FOR REVENUE
The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.20071 of 2020

ORDER:

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

> **"...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly the 2nd respondent herein in not considering the application of the petitioners dated 21.01.2019 made for issuance of NOC in respect of patta land bearing Sy.No.703/A2/1/1 admeasuring Ac.1.27 guntas, Sy.No.703/A2/2/1 admeasuring Ac.1.27 guntas and Sy.Nos.703/A2/3/1 admeasuring Ac.1.27 guntas respectively, situated at Gajwel Village and Mandal, Siddipet District, even after recommendation of the 3rd respondent dated 14.05.2008 for grant of NOC, is illegal, arbitrary, unjust, unconstitutional and in violation of principles of natural justice and consequently direct the respondents to consider the case of the petitioners for grant of NOC in respect of subject patta lands, after following the procedure strictly in accordance with law immediately and pass order...."**

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

3. The learned counsel for the petitioners would submit that the petitioners are owners and possessors of patta lands admeasuring Ac.1.27 guntas in Sy.No.703/A2/1/1, Ac.1.27 guntas in Sy.No.703/A2/2/1 and Ac.1.27 guntas in Sy.Nos.703/A2/3/1 situated at Gajwel village and Mandal, Siddipet District, having acquired the same by way of succession. The grievance of the petitioners is that though the subject lands are patta lands but in the revenue records, it was wrongly mentioned as assigned lands. Therefore, the petitioners made a representation dated 21.01.2019 before the respondent No.2-District Collector, Siddipet District, to issue NOC for the subject lands but till date no action has been taken on the said

representation and ultimately requested this Court to direct the respondent No.2 to dispose of the representation dated 21.01.2019 submitted by the petitioners, expeditiously.

4. On the other hand, the learned Assistant Government Pleader for Revenue would submit that the subject lands are Bhudhan lands and they were assigned to the petitioners in the year 1997 and ultimately prayed to dismiss the writ petition.

5. The learned counsel for the petitioners contended that the respondent No.3-Revenue Divisional Officer, Siddipet Division, Siddipet District, had categorically recorded a finding that the subject lands are patta lands. It is submitted that the petitioners need a clarification with regard to the character of the subject lands i.e, whether patta lands or assigned lands.

6. Under these circumstances, the respondent No.2-District Collector, Siddipet District, is directed to examine the application dated 21.01.2019 submitted by the petitioners and pass appropriate orders with regard to the character of the subject lands, within a period of three (3) months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Siddipet District.
3. The Revenue Divisional Officer, Siddipet Division, Siddipet District.
4. The Tahsildar, Gajwel Mandal, Siddipet District.
5. One CC to Sri Mohd Moin Ahmed Quadri, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

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HIGH COURT

DATED:09/12/2020

ORDER

WP.No.20071 of 2020



DISPOSING OF THE WP

WITHOUT COSTS

SSV
9 copies
Dt 18/12/2020

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