

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

THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 23806 OF 2020

Between:

Gentena Venkata Sivaiah, S/o Kondaiah Aged 34 years, Occ Agriculture
R/o Upparapally, Attapur Mandal, N/o Rudraram Village, Shabad Mandal
Rangareddy District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Pri Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Rangareddy District, Hyderabad.
3. The Revenue Divisional Officer, Chevella, Rangareddy District.
4. The Tahsildar, Shabad Mandal, Rangareddy District.
5. Etyala Jagan, S/o E.Dasu, Aged 32 years, Occ Agriculture, R/o Rudraram Village, Shabad Mandal, Rangareddy 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 or order or direction more particularly one in the nature of mandamus, declaring the action of action of the respondents the action of the respondent No 4 in passing the impugned order of resumption vide Procs No. B/1444/2020 dated 27.05.2020 in respect of my land in Sy.No 116/22 of an extent Ac 2.00 gts of Rudraram Village, Shabad Mandal, Rangareddy District without following the due process of law and in violation of the Board Standing Orders 15 to 18, as illegal, arbitrary and in violation of Art 300-A of the Constitution of India and consequently praying this Honble Court to set the aside the impugned order vide Procs No. B/1444/2020 dated 27/05/2020 of the 4th respondent.

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 stay all further proceedings in respect of the Procs No. B/1444/2020 dated 27/05/2020 passed by the 4th respondent and direct the respondents not to dispossess the petitioner of the land in Sy.No 116/22 of an extent Ac 2.00 gts of Rudraram Village, Shabad Mandal, Rangareddy District, pending disposal of the main Writ Petition.

Counsel for the Petitioner : SRI V. R. MACHAVARAM
Counsel for the Respondent Nos.1 to 4: AGP FOR REVENUE
Counsel for the Respondent No.5:-----

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.23806 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 or order or direction more particularly one in the nature of mandamus, declaring the action of action of the respondents the action of the respondent No 4 in passing the impugned order of resumption vide Procs No. B/1444/2020 dated 27.05.2020 in respect of my land in Sy. No 116/22 of an extent Ac 2.00 gts of Rudraram Village, Shabad Mandal, Rangareddy District without following the due process of law and in violation of the Board Standing Orders 15 to 18, as illegal, arbitrary and in violation of Art 300-A of the Constitution of India and consequently praying this Hon'ble Court to set the aside the impugned order vide Procs No. B/1444/2020 dated 27.05.2020 of the 4th respondent 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 vehemently contended that the impugned order, dated 27.05.2020, in Proceedings No.B/1444/2020 of the 4th respondent/Tahsildar, Shabad Mandal, Ranga Reddy District, was passed without issuance of any notice to the petitioner herein. The petitioner is a purchaser of the subject land for valuable consideration. A notice under the Telangana Assigned Lands (Prohibition of Transfer) Act, 1977 (for short, 'Act 9 of 1977'), is necessary before passing the impugned order, dated 27.05.2020. There is a patent irregularity on the part of the 4th respondent in passing

the impugned order, dated 27.05.2020. On this ground, the petitioner wanted this Court to set aside the impugned order, dated 27.05.2020.

4. On the other hand, the learned Assistant Government Pleader for Revenue would submit that the procedure contemplated under Act 9 of 1977 has been followed by the authorities concerned. A notice under Form No.I & II was issued to the original assignee as well as the transferee of the subject land. Therefore, no irregularity is committed in passing the impugned order. Further, it is contended that the petitioner ought to have filed an appeal before the appropriate authority challenging the impugned order, dated 27.05.2020. He did not do so. The writ petition is devoid of merit and is liable to be dismissed and ultimately prayed to dismiss the writ petition.

5. A perusal of the impugned order, dated 27.05.2020, reveals that notice under Form No.II was issued to the petitioner herein and a copy of the impugned order is also communicated to the petitioner herein. Whether notice has been issued to the petitioner before passing the impugned order, dated 27.05.2020, or not, can as well be dealt and answered by appropriate appellate authority. The petitioner has to challenge the impugned order, dated 27.05.2020, before the appropriate appellate authority under Section 4-A of Act 9 of 1977. Under these circumstances, this Court declines to grant the relief sought by the petitioner in this writ petition. The petitioner is

granted liberty to workout the remedies available to him under Act 9 of 1977.

6. With the above observation, this writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Prd Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Rangareddy District, Hyderabad.
3. The Revenue Divisional Officer, Chevella, Rangareddy District.
4. The Tahsildar, Shabad Mandal, Rangareddy District.
5. One CC to Sri V. R. Machavaram, 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:31/12/2020



ORDER

WP.No.23806 of 2020

DISPOSING OF THE WP

WITHOUT COSTS

ssw
9 copies
Dt 07/01/2021