

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HONOURABLE SRI JUSTICE N. TUKARAMJI**

WRIT APPEAL NO: 255 OF 2012

Writ Appeal under Clause 15 of the Letters Patent preferred against the order dated 11.11.2010 in W.P.No.21911 of 2002 on the file of the High Court.

Between:

Smt. Bandari Posani, W/o late Gattaiah, Aged about 70 years, R/o 3-1-237/14, Bhagyanagar Colony, Adilabad.

...Appellant/Writ Petitioner

AND

1. The Special Commissioner for Land Revenue, Andhra Pradesh, Nampally, Hyderabad.
2. The Joint Collector, Adilabad.
3. The Mandal Revenue Officer, Adilabad, Adilabad District.

...Respondents/Petitioner

IA NO:1 OF 2012

WAMP. NO: 495 OF 2012

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 change the nature of the land, an extent of 5 Acres of land in Sy.No.38/1 of Bhattisavergeon Village, Adilabad Mandal and District, that was assigned to the petitioner's late husband in the year 1961, pending Writ Appeal.

Counsel for the Appellant: SRI. P. LAKSHMA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE N. TUKARAMJI

W.A.No.255 of 2012

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of the order dated 11.11.2010 passed by the learned Single Judge in W.P.No.21911 of 2002.

The undisputed facts of the case reveal that the land, to an extent of Acs.5.00 in Survey No.38/1 situated at Bhatti Sawargaon Village, Adilabad District, was assigned under Laoni Rules, 1950 initially to the husband of the petitioner along with nine other persons. A report dated 26.06.1990 was submitted by the Revenue Divisional Officer, Adilabad, stating that the assignment itself is illegal, keeping in view the G.O.Ms.No.1065 dated 01.05.1961, as the land was situated within the radius of one mile of Municipal limits. A show cause notice was issued on 28.03.1980 to the ten assignees including Gattaiah, the husband of the petitioner, and thereafter, an order was passed on 30.04.1981 cancelling the assignment. An appeal/review was preferred in 1990. The same was dismissed on 20.09.1996. Thereafter, the writ petition was preferred before this Court. Before the learned Single Judge, reliance was placed upon the judgments delivered in the cases of *State of Gujarat vs. Patel Raghav Natha*¹, *P. Mangamma vs. Women's Co-op. Housing Society Ltd*² and *S. Santhanam vs. State of Andhra Pradesh*³ and it was argued that such a revisional power could not have been

¹ AIR 1969 SC 1297

² 1995(3) ALT 330 (DB)

³ 2006(2) ALT 341 (DB)

exercised under Section 166-B of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (for short 'the Act') after lapse of 20 years. Another ground was also raised before the learned Single Judge that G.O.Ms.No.1065 dated 01.05.1961 could not have been taken into account, as another Government Order i.e., G.O.Ms.No.1122 was issued on 29.06.1961 extending prohibition of assignment of Government land in Municipal limits for agricultural purposes.

The learned Single Judge, after taking into account G.O.Ms.No.1122 dated 29.06.1961, has arrived at a conclusion that the land was assigned in May, 1961 and the G.O was very much in force. He has also arrived at a conclusion that Section 166-B of the Act empowers any Revenue Officer not below the rank of Collector to exercise *suo motu* revisional powers and there is no time limit prescribed. However, after taking into account the judgments delivered in the cases of **State of Gujarat** (1 supra), **P. Mangamma** (2 supra) and **S. Santhanam** (3 supra), has arrived at a conclusion that exercise of such power was certainly with an unreasonable delay. The learned Single Judge has finally arrived at a conclusion that the land was resumed on 14.05.1981 and the same was handed over to Department of Jails vide proceedings dated 21.11.1986. The Department of Jails has constructed a Jail Complex over the land. The petitioner, after lapse of six years of the order dated 20.09.1996 whereby the appeal/review was dismissed, has approached this court and in those circumstances, finally the writ petition has been dismissed.

Learned counsel for the appellant is fair enough, at this stage, in stating that the writ appeal be dismissed, however with a

liberty to the present appellant, who is a widow, to submit a fresh application, as she is still a landless person and as the petitioner nor her husband were at fault in the year 1961 when the land was allotted to her husband. He has further stated that the husband of the petitioner, who was again an illiterate landless person, was not aware of the Government Orders issued by the Government and it was the State Government which committed a mistake in allotment of land, which could not have been allotted in the light of G.O.Ms.No.1065 dated 01.05.1961 and the subsequent G.O.Ms.No.1122 dated 29.06.1961. Learned counsel further prays for grant of liberty to approach the Government for grant of other available benefits to landless persons/persons who do not have dwelling units.

Learned Government Pleader for Revenue is also fair enough in informing this Court that there are various other schemes under the Government for persons who do not have dwelling units and the Government shall certainly look into the grievance of the appellant.

Resultantly, the appellant/widow is permitted to submit a fresh representation to the District Collector, who in turn shall consider her request sympathetically for grant of other benefits under the other schemes, as informed by the learned Government Advocate, subject to her eligibility and shall pass appropriate orders, in accordance with law, within a period of six months from today.

With the aforesaid, the writ appeal stands disposed of.
Pending miscellaneous applications, if any, shall stand
closed. There shall be no order as to costs.

SD/-CH.VENKATESWARULU
DEPUTY REGISTRAR

//TRUE COPY//

GD
SECTION OFFICER

To,

1. The Special Commissioner for Land Revenue, Andhra Pradesh, Nampally, Hyderabad
2. The Joint Collector, Adilabad.
3. The Mandal Revenue Officer, Adilabad, Adilabad District
4. One CC to Sri P. Lakshma Reddy, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

CHR

SW

HIGH COURT

DATED:22/12/2021

JUDGMENT

W.A.No.255 of 2012



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS.**

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19/01

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