

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

FRIDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 24453 OF 2020

Between:

Mohammed Tajuddin, S/o.Fasiuddin, Aged about 54 years, Occ. Business,
R/o.H.No.2-7-678, Mukurampura, Karimnagar

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Karimnagar, Karimnagar District.
3. The Revenue Divisional Officer, Karimnagar Revenue Division, At Karimnagar.
4. The Tahsildar, Mandal Revenue Office (Rural), Karimnagar, Karimnagar District.
5. Battu Laxman @ Laxmaiah, S/o. Venkanna, Aged about 66 years, Occ. Business, R/o.Bommakal Village, Karimnagar Mandal and 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 to declare the proceedings issued by the 4th Respondent vide Proc.No.B/1433/2020-2, dated 24/11/2020 in cancelling the assignment as well as to take over the possession of the land of the Petitioner in Sy.No.28 to an extent of 2420 Sq.Yds under the registered documents bearing No.6911/2002, situated at Bommakal Village, Karimnagar Mandal and District has illegal, arbitrary, null and void and violation of Section 3 (5) of POT Act and other decisions as well as violation of the Article 14,15 and 21 of constitution of India

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 impugned proceedings issued by the 4th Respondent vide Proc.No.B/1433/2020-2, dated. 24/11/2020 in taking over the Petitioners land in Sy.No.28 to an extent of 2420 Sq.Yds under the registered documents bearing No.6911/2002, situated at Bommakal Village, Karimnagar Mandal and District, pending finalization of the writ petition

Counsel for the Petitioner: SRI J. KANAKAIAH

Counsel for Respondent Nos. 1 to 4: GP FOR REVENUE

Counsel for Respondent No. 5: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.24453 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, order or direction, more particularly one in the nature of WRIT OF MANDAMUS to declare the proceedings issued by the 4th Respondent vide Proc.No.B/1433/2020-2, dated: 24.11.2020 in cancelling the assignment as well as to take over the possession of the land of the Petitioner in Sy.No.28 to an extent of 2420 Sq.Yds under the registered documents bearing No.6911/2002, situate at Bommakal Village, Karimnagar Mandal and District as illegal, arbitrary, null and void and violation of Section 3 (5) of POT Act and other decisions as well as violation of the Article 14, 15 and 21 of Constitution of India and pass such other order or orders"

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

3. Learned counsel for the petitioner would submit that the petitioner purchased an extent of 2420 Square Yards of land in Survey No.28 situated at Bommakal Village, Karimnagar Mandal and District, vide registered Sale Deed, dated 06.11.2002, from respondent No.5 and since then, he has been in possession and enjoyment of the same. The petitioner, having taken loan from bank, has invested huge amount and raised constructions over the subject land. Alleging that the subject land was an assigned land and respondent No.5 sold the subject land to petitioner, violating the conditions of assignment, the respondent No.4-Tahsildar, Karimnagar, issued impugned proceedings vide

Ref.No.B/1433/2020-2, dated 24.11.2020, resuming the subject land to Government. Aggrieved by the same, the petitioner filed an appeal on 22.12.2020 before respondent No.3-Revenue Divisional Officer, Karimnagar Revenue Division, Karimnagar, under Section 4 (A) of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, along with a stay application, but till date, no orders are passed either in the appeal or in the interlocutory application and ultimately, prayed to grant the relief sought for in this Writ Petition, as indicated above.

4. Learned Assistant Government Pleader for Revenue would submit that the original resumption proceedings were issued in the year 1997. Aggrieved by the notice issued as to why the subject land should not be taken back, respondent No.5 had filed W.P.No.17134 of 1997 before this Court and this Court, while disposing of the said Writ Petition along with W.P.No.16643 of 1997 by common order, dated 28.12.2006, observed that 'in the event that the State Government takes a decision in the matter, which might be at conflict with the interests of the writ petitioners, an opportunity may be provided to the writ petitioners before orders of eviction are passed against them and that the writ petitioners are at liberty to supplement their submissions by producing the necessary material before the Government to enable it to arrive at a correct conclusion in the matter' and ultimately, prayed to dismiss the Writ Petition.

5. Be that as it may, it is not appropriate to go into the merits of the case in this Writ Petition. A detailed examination of

the questions raised on behalf of the petitioner are required to be addressed in the appeal pending before respondent No.3-Revenue Divisional Officer. Since, neither the interlocutory application nor the main appeal filed by the petitioner is disposed of by respondent No.3-Revenue Divisional Officer, it is appropriate to direct the respondent authorities not to take any coercive steps against the petitioners for certain period.

6. Accordingly, respondent Nos.1 to 4 are directed not to take any coercive steps for a period of two (2) weeks from today in respect of the subject land. Further, respondent No.3-Revenue Divisional Officer, Karimnagar Revenue Division, Karimnagar, is directed to dispose of the appeal or the Interlocutory Petition, or both, filed by the petitioner on 22.12.2020 within the aforementioned period i.e., two (2) weeks from today. It is made clear that there shall be no extension of the relief granted in favour of the petitioner in this Writ Petition.

7. With the above observations/directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR
SECTION OFFICER

- To,
1. The Principal Secretary, Revenue Department, State of Telangana Secretariat, Hyderabad.
 2. The District Collector, Karimnagar, Karimnagar District.
 3. The Revenue Divisional Officer, Karimnagar Revenue Division, At Karimnagar.
 4. The Tahsildar, Mandal Revenue Office (Rural), Karimnagar, Karimnagar District.
 5. One CC to Sri J Kanakaiah Advocate [OPUC]
 6. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
 7. Two CD Copies
- MBC



TIME LIMIT

HIGH COURT

DATED: 08/01/2021



ORDER

WP.No.24453 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

9^{ssv} copies
Dt 16/01/2021