

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

**MONDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 28796 OF 2009

Between:

1. V. Venkateshwar Rao, S/o. V. Gopaiah Agriculturalist R/o H.No. 11-37, Azad Nagar, Kodad, Nalgonda District
2. V. Nagaraju, S/o. V. Gopaiah Agriculturalist R/o H.No. 11-37, Azad Nagar, Kodad, Nalgonda District

...PETITIONERS

AND

1. The District Collector, Nalgonda District, at Nalgonda
2. The Revenue Divisional Officer, Suryapet, Nalgonda District
3. The Tahsildar, Kodad,, Nalgonda 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 order or direction more particularly one in the nature of writ of Mandamus declaring the illegal on high handed action of the respondent in putting a lock and seal to the gate and compound wall of the petitioners constructed over the petitioner land in Sy.No. 47 of Kodad Village Kodad Mandal, Nalgonda District, restraining the petitioners from continuing the construction as illegal, unjust and contrary to the law and consequently award damages to the petitioners

I.A. NO: 1 OF 2009 (WPMP. NO: 37406 OF 2009)

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 issue a direction to the respondent to remove the lock put forth by the office of Respondent no. 3 under Seal to the gate and compound wall of the petitioners

constructed in SY.No. 47 of Kodad Village, Kodad Mandal, Nalgonda District in the interest of justice

Counsel for the Petitioners : SMT. K HEMALATHA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No. 28796 OF 2009

ORDER:

This present writ petition is filed to issue a writ or direction more particularly writ of mandamus to declare the action of the respondents on high handed action of putting a lock and seal to the gate and compound wall of the petitioners constructed in Sy No.47 of Kodad Village and Gram Panchayat Kodad Mandal Nalgonda District restraining the petitioners herein from continuing the construction as illegal, unjust and contrary to the law in violation of principles of natural justice and also violation of Article 14 and 21 of Constitution of India and consequently award damages to the petitioners.

2. Heard Smt K.Hemalatha, learned counsel appearing on behalf of petitioner and learned Government Pleader for Revenue appearing for the respondents.

3. Learned counsel for the petitioners contended that petitioners are the absolute owner and in peaceful possessor to an land extent of Ac.0.27¼ Gts of Agricultural Dry land in Survey No.47 of Kodad Village, Nalgonda District, through

registered Sale Deed Doc No.993/91, dated 28.05.1991 registered at S.R.O, Kodad, Nalgonda District and the petitioners are having pattadar passbook and title deed of the said land. Thereafter, petitioners made application to respondent No.2 on 21.02.2009 for conversion of agricultural land into non-agricultural land and to use the said land for commercial nature by paying required fees, subsequently respondent No.2 after getting the report from the respondent No.3, vide letter No.C/3176/2009, dated 21.05.2009 issued conversion order by permitting the petitioners to change the nature of land to non-agriculture vide proceeding No.C/787/2009, dated 08.07.2009.

5. Learned counsel for the petitioners contended that petitioners constructed the boundary wall surrounding site at the subject land. On 10.12.2009, the petitioners found lock at the boundary wall gate with seal of the respondent No.3. Subsequently, petitioners made application to respondents questioning the action of the respondents and also contended that respondents neither issued acknowledgment for receipt of petitioner's application nor gave any proceedings for locking and sealing of property except orally informing that they lock and

sealed the property under instruction of respondent No.1 and respondent No.2. Aggrieved by the said action of the respondents this writ petition is filed.

6. Learned counsel for the petitioners contended that petitioners filed WPMP No.37406 of 2009 In WP No.28796 of 2009 to remove the lock put by respondent's office under and seal the gate, and this Hon'ble Court was pleaded to pass interim order, reads as:

"There shall be interim direction, as prayed for.

However, the petitioners shall not make any further construction on the subject site and shall not alter the nature of the construction already made on the subject site and shall not create any third party interest over it, during pendency of the writ petition. "

7. Learned counsel for the petitioners submits that In pursuant to the interim order dated 30.12.2009, the respondent authorities removed the lock and seal and that the respondent authorities are not interfering with the possession of the petitioners subject land.

8. Learned Government Pleader for Revenue appearing for respondents informs the Court that subsequently to the interim order passed by this Court on 30.12.2009, the respondents

authorities are not interfering with the possession of the petitioners' subject land, and will follow due process of law before taking any action, in accordance with law.

9. In view of the submission made by the learned counsels on either side into consideration, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioners subject land and no coercive steps shall be taken without following due process of law.

10. Further, it is made also made clear that petitioners shall take all necessary permission for construction on the subject land and the respondents authorities are at liberty to pass appropriate orders strictly in accordance with law, If any application is received from the petitioners on the subject land.

11. Accordingly, Writ Petition is disposed of. Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

//TRUE COPY//

SD/-K.SHYLESHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The District Collector, Nalgonda District, at Nalgonda
2. The Revenue Divisional Officer, Suryapet, Nalgonda District
3. The Tahsildar, Kodad., Nalgonda District.
4. One CC to SMT. K HEMALATHA, 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

SW

HIGH COURT

DATED:29/08/2022



ORDER

WP.No.28796 of 2009

DISPOSING THE WRIT PETITION
WITHOUT COST.

(9)
mt
28/9/22