

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 2940 OF 2015

Between:

Turniki Mahender Raju, S/o T.Madhusudan Raju, aged 38 years,
Occ: Agriculture, R/o H.No.25-32, Ashok Road, Mancherial, Adilabad District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary (Revenue), Secretariat, Hyderabad.
2. The District Collector, Adilabad District.
3. The Revenue Divisional Officer, Mancherial, Adilabad District.
4. The Tahasildar, Mancherial Mandal, Adilabad District.
5. The Sub-Inspector of Police, CCC P.S., Mancherial, Adilabad 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 pass an order or writ particularly one in the nature of the writ of Mandamus declaring the action of the respondents No.3 to 5 in seeking to dispossess the petitioner by interfering with the peaceful possession of the petitioner over the land in Sy.No.64 and 64/1 admeasuring Ac.1-20 guntas and Ac.2-20 guntas respectively situated at Naspsur village, Mancherial Mandal, Adilabad District as illegal, arbitrary and gross violation of principles of natural justice apart from gross violation of Article 14, 21 and 300A of the Constitution of India and consequently direct the respondents No.3 to 5 not to interfere with the possession of the petitioner over the above said land.

I.A. NO: 1 OF 2015(WPMP. NO: 3926 OF 2015)

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 No.3 to 5 not to interfere with the peaceful possession of petitioners land in Sy.No.64 and 64/1 admeasuring Ac.1-20 guntas and Ac 2-20

guntas respectively situated at Naspsur village, Mancherla Mandal, Adilabad District, pending the disposal of the writ petition.

Counsel for the Petitioner: SRI P. LAKSHMA REDDY

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

Counsel for the Respondent No.5: GP FOR HOME

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No. 2940 OF 2015

ORDER:

This present writ petition is filed seeking to issue direction more particularly writ of mandamus to declare the action of the respondents Nos.3 to 5 in seeking to dispossess the petitioner by interfering with the peaceful possession of the petitioner over the land in Sy No.64 and 64/1, admeasuring Ac 1-20 guntas and Ac.2-20 guntas respectively situated at Naspsur village, Mancherial Mandal, Adilabad District as illegal arbitrary and gross violation of principles of natural justice apart from gross violation of Article 14, 21 and 300-A of the Constitution of India and consequently direct the respondents Nos.3 to 5 not to interfere with the possession of the petitioner said land.

2. Learned counsel for the petitioner contended that petitioner is the absolute owner and possessor of the land in Sy.No.64 and 64/1, admeasuring Ac.1-20 guntas and Ac.2-20 guntas respectively situated at Naspsur village, Mancherial Mandal, Adilabad District and the petitioner submit that the then Mandal Revenue Officer, Mancherial basing on petitioner's application

assigned the said land vide R.C.No.B/3715/2000, dated 16.04.2000 and also mutated the name of the petitioner and issued pattadar passbooks and title deeds and since then petitioner is in peaceful possession of the land and cultivating the said land.

3. Learned counsel for the petitioner contended that in the year 2010 due to the boundary dispute with regard to surrounding owners of the land the petitioner made an application for demarcation of his land in Sy.No.64. Basing on petitioner's application the Deputy Inspector, Mancherial after issuing notices to the adjoining owners of the land, demarcated the land and fixed the boundaries by conducting panchanama and further submitted that on 31.01.2015, the respondents No.3 & 4 along with their staff and the respondent No.5 have visited petitioner land and forcibly removed the fencing and again on 03.02.2015, threatened the petitioner not to fence the land. The petitioner then visited the office of the respondents No.3 to 5 by questioning their interference, but the respondents Nos.3 to 5 have not assigned any reasons for their interference. Further, the respondents Nos.3 to 5 without following any due process of law

are interfering with the petitioner and the same is illegal, arbitrary and contrary to law.

4. On perusal of records, it is observed that petitioner has previously filed WP No.7544 of 2008 with same prayer as prayed in this writ petition and this Court disposed of the WP No.7544 of 2008, dated 28.06.2011 directing the respondents not to dispossess the petitioner from his land and if such land is required for public purpose, the respondents shall follow the procedure in the light of the judgment rendered by this Hon'ble Court in a case of LAO-cum-RDO, Chevella Division Vs. Mekala Pandu¹.

5. This Court on 24.02.2015, directed the petitioner to produce copy of judgment of this Court in relation to the aspect that can a writ petition be filed to implement the order passed in another writ petition. Today learned counsel for the petitioner submits that the petitioner did not choose to file contempt case and instead filed the fresh writ petition to substantiate his claim. Learned counsel for the petitioner placed order copy of WP No.12261 of 2019, dated 02.03.2021, and drew attention to paragraph No.6 of the order which reads as:

¹ 2004 (2) ALD 451

"But, the direction issued by this Court in the earlier Writ Petition No.18729 of 2012, dated 11.04.2017 was not complied with by the respondents and more particularly when the remedy of contempt case is barred by limitation, the only remedy open to the petitioner is to file this writ petition."

6. Learned counsel for the petitioner further contended that subsequently to the filing of this writ petition the respondents are not interfering with the petitioners' subject land and pray this Court to direct the respondent authorities to follow due process of law.

7. Learned Government Pleader for Revenue appearing for respondents informs the Court that the respondents authorities are not interfering with the possession of the petitioner subject land, and in case any action is to be initiated on the petitioner subject land, the respondent authorities would follow due process of law.

8. Heard both sides.

9. In view of the submissions made by learned Government Pleader for Revenue and without expressing any opinion on

merits of the case, this writ petition is disposed of directing the respondent authorities not to interfere with the peaceful possession and enjoyment of the petitioner subject land without following due process of law. However, it is made clear that this order does not preclude the respondent authorities from initiating any action in accordance with law by duly putting notice to all the concerned affected parties and pass orders strictly in accordance with law.

10. Miscellaneous application, if any pending, shall stand closed. No order as to costs.

**SD/-I.NAGALAKSHMI
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Revenue), Secretariat, State of Telangana, Hyderabad.
2. The District Collector, Adilabad District.
3. The Revenue Divisional Officer, Mancherial, Adilabad District.
4. The Tahasildar, Mancherial Mandal, Adilabad District.
5. The Sub-Inspector of Police, CCC P.S., Mancherial, Adilabad District.
6. One CC to SRI P. LAKSHMA REDDY Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
8. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
9. Two CD Copies

KKS

SW

HIGH COURT

DATED:06/09/2022

ORDER

WP.No.2940 of 2015



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

12 Copies
[Handwritten signature]
20/12/2022