

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.22441 of 2022

ORDER:

This writ petition is filed questioning the action of the respondent No.4 in conducting panchanama dated 03.02.2022 for the House No.2-2-177/4G2, situated in Survey No.150/8 to an extent of 242 sq.yds situated at Housing board colony, Nanda Thanda, Chunchupally Mandal, Bhadradi Kothagudem District by handing over the scheduled land to the respondent No.5 is contrary to the orders passed by the respondent No.3 in LTR Case No.23/2019/CCP dated 09.02.2021 as arbitrary, illegal and against the principles of natural justice and consequentially suspend the panchanama dated 03.02.2022 conducted by respondent No.4.

2. Heard Sri Kondapathi Srinivasa, learned counsel for the petitioner and learned Assistant Government Pleader for Social Welfare appearing for Official respondents.

3. Respondent No.4 - Tahsildar filed counter

stating that the petitioner filed CMA No.10 of 2022 on the file of respondent No.2 questioning the order passed in LTR Case No.23/2019/CCP dated 09.02.2021. The Appellate Court after hearing respective parties and considering the grounds and evidence on record, dismissed the appeal by its order dated 09.12.2022 confirming the order passed in LTR Case No.23/2019/CCP. It is further stated that after conducting Panchanama, Mandal Girdavar – I, Chunchupalli has taken the subject land into Government custody on 30.12.2022 and now the said land is in possession of Government.

4. Learned counsel for the petitioner submits that questioning the order passed in CMA No.10 of 2022, the petitioner had already filed revision under Section 6 of Telangana/Andhra Pradesh Scheduled Area Land Transfer Regulations 1959, before respondent No.1 and the same is pending and the respondent No.4 conducted

panchanama and handed over the possession to respondent No.5 high handedly, when the revision petition is pending before respondent No.1.

5. Learned Assistant Government Pleader for the respondents submits that pursuant to the orders passed by the respondent No.2 and 3 dated 09.02.2021 and 09.12.2022 only, respondent No.4 and Mandal Girdavar – I, Chunchupalli has taken the land into Government custody duly conducting panchanama on 30.12.2022 following due procedure and there is no merit in the writ petition.

6. Having considered the rival submissions made by the respective parties and a perusal of the records reveals that it is undisputed fact that respondent No.2 dismissed the appeal CMA No.10 of 2022 confirming the order of respondent No.3 in LTR Case No.23/2019/CCP dated 09.02.2021, thereafter,

respondent No.4 and Mandal Girdavar – I, Chunchupalli has taken possession of the land into Government custody from the petitioner duly conducting panchanama on 30.12.2022. The petitioner is not entitled to question the consequential proceedings of respondent No.4 and Mandal Girdavar – I in the writ petition.

7. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to raise all the grounds as available under law in the revision petition which is pending before respondent No.1. No costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition shall stand closed.

JUSTICE J SREENIVAS RAO

03 February, 2023
PSW/GV

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03rd February, 2023

PSW