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

TUESDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 21524 OF 2009

Between:

Gunnala Subhash, S/o. Narahari, aged about 60 years, Powerloom Worker, R/o. Mushtipally, Sircilla Mandal, Karimnagar District.

...PETITIONER

AND

1. The Tahsildar, Sircilla Mandal, Karimnagar District.
2. The Revenue Divisional officer, Sircilla, Karimnagar 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 in the nature of Mandamus declaring the action of the Tahsildar, Sircilla, Karimnagar District in seeking to dispossess the petitioner from the land to the extent of Ac. 1.00 situated in sy.No. 51 of Mustipally, Sircilla Mandal, Karimnagar District belonging to the petitioner even without issuing any notice or without following the mandatory provisions is as illegal, arbitrary, unjust.

I.A. NO: 1 OF 2009(WPMP. NO: 27967 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 direct the respondents not to dispossess the petitioner form the land admeasuring Ac. 1.00 situated in sy.No. 51 of Mustipally, Sircilla Mandal, Karimnagar District.

Counsel for the Petitioner: SRI D.BALA KISHAN RAO
Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.21524 of 2009

ORDER:

This writ petition is filed seeking the following relief:

> *"to issue a Writ order or direction more in the nature of Mandamus declaring the action of the Tahsildar, Sircilla, Karimnagar District, in seeking to dispossess the petitioner from the land to the extent of Ac.1.00 situated in Sy.No. 51 of Mustipally, Sircilla Mandal, Karimnagar District, belonging to the petitioner even without issuing any notice or without following the mandatory provisions is as illegal, arbitrary, unjust.".*

2. Heard Sri D.Bala Kishan Rao, learned counsel for the petitionerand learned Assistant Government Pleader for Revenue appearing on behalf of respondent Nos. 1 and 2.

3. Learned counsel for the petitioner submits that petitioner is the owner and possessor of the land to an extent of Ac.1-00 cents in Sy.No.51, Mushtipally Village, Sircilla Mandal, Rajanna Sircilla District (erstwhile Karimnagar District), as the same was assigned to him. The then Tahsildar granted permit patta vide proceedings R.Dis.No.B/10008/96 and since then the petitioner has been in possession and enjoyment of the subject property and doing cultivation by raising Cotton, Maize etc.,

4. While things stood thus, respondent No.1 without issuing notice trying to dispossess the petitioner from the subject property. At that stage, the petitioner had approached this Court and filed the present writ petition.

5. Perusal of the record reveals that this Court while admitting the writ petition on 08.10.2009 granted interim order in W.P.M.P.No.27967 of 2009, directing the respondents not to dispossess the petitioner from the land admeasuring Ac.1.00 cents in Sy.No.51 of Mushtipally Village, Sircilla Mandal, Karimnagar District, without following due process of law and the same is continuing till date. The respondents have not filed counter affidavit.

6. Learned Assistant Government Pleader submits that the respondents will follow the due procedure as contemplated under law, before taking any steps.

7. In view of the above submissions, without going into the merits of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioner from the subject

property i.e., land to an extent Ac.1-00 cents, covered by Sy.No.51, Mushtipally Village, Sircilla Mandal, Rajanna Sircilla District (erstwhile Karimnagar District), without following the due process of law.

8. With the above direction, the writ petition is disposed of, accordingly. No costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Tahsildar, Sircilla Mandal, Rajanna Sircilla District (erstwhile Karimnagar District)
2. The Tahsildar, Sircilla Mandal, Karimnagar District.
3. The Revenue Divisional officer, Sircilla, Karimnagar District.
4. One CC to SRI D.BALA KISHAN RAO, Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

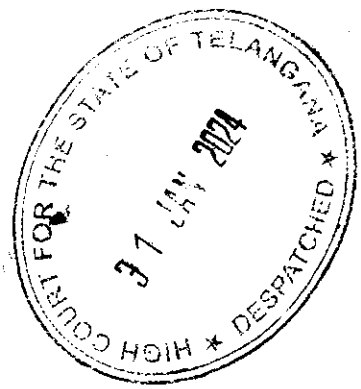
PSK.
GJP

HIGH COURT

DATED:02/01/2024

ORDER

WP.No.21524 of 2009



DISPOSING OF THE WRIT PETITION WITHOUT COSTS.

(9) Copies MPL 18/01

GBR