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

THURSDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 33532 OF 2022

Between:

1. Pole Susheela, D/o: Late Lachaiah, aged about years, Occ.Housewife, R/o Devarakonda Village and Town, Devarakonda Mandal, Nalgonda District.
2. Pole Vajramma, D/o: Late Lachaiah, Aged about years, occ. Housewife,
3. Pole Yadaiah, S/o: Late Lachaiah, Aged about 51 years, Occ. Agricultural Labour

   All are R/o Devarakonda Village and Town, Devarakonda Mandal, Nalgonda District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Chief Commissioner of Land Administration, Nampally, Hyderabad.
3. The District Collector, Nalgonda, Nalgonda District.
4. The Revenue Divisional Officer, Devarakonda, Naglonda District.
5. The Tahsildar, Devarakonda Mandal, 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 issued a writ or order or direction more particularly one in the nature of writ of Mandamus the action of the respondents No. 3 to 5 in not allotting the land to the petitioners in pursuance of the letter CLRs Ref.B4/614/97 dated 02/01/1998 issued by the 2nd respondent though three decades lapsed and not considering the representations dated 01/08/2022, 27/09/2021, 16/12/2019, 08/01/2014, 08/01/2014, 13/06/2012, as illegal, arbitrary, unconstitutional the violative of Principles of natural justice besides violative of Article 14, 21 and

300-A of the constitution of India and consequently direct the respondents to provide an alternative agricultural land to the petitioners to an extent of Ac.3-00gts in pursuance of the proceedings in CLRs Ref.B4/614/97 dated 02-01-1998 issued by the 2nd respondent and also to hand over the possession of the land in Sy.No.750 to an extent of Ac 0-20gts situated at Devarakonda Village and Mandal, Nalgonda District by considering the above representations.

IA NO: 1 OF 2022

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 to provide an alternative agricultural land to the petitioners to an extent of Ac.3-00gts also to hand over the possession of the land in Sy.No.750 to an extent of Ac 0-20gts situated at Devarakonda Village and Mandal, Nalgonda District by considering the representations dated 01-08-2022, 27-09-2021, 16-12-2019, 08-01-2014, 08-01-2014, 13-06-2012, pending disposal of the main Writ Petition.

Counsel for the Petitioners: SRI PONNAM MAHESH BABU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.33532 of 2022

ORDER:

This writ petition is filed questioning the action of the respondents in not allotting the land to the petitioners in pursuance to the letter CLRs Ref.B4/614/97, dated 02.01.1998 addressed by respondent No.2 and consequently prayed for other appropriate reliefs.

2. Considered the submissions of the learned counsel for the respective parties and perused the record.

3. It is stated that the father of the petitioners was the owner and possessor of the land to an extent of Ac.3.20 gts., in Sy.No.750, situated at Devarakonda Village and Mandal, Nalgonda District, by virtue of the patta assigned by the then Tahsildar on 11.12.1951 under the provisions of the Telangana Land Revenue Act, 1317 fasli (for short, 'the Act') and the Rules made thereunder. It is further stated that the said land has been acquired by the respondents on the assurance that they will allot alternative suitable land in lieu of compensation. It is further stated that on the representation made by the petitioners, respondent No.2 passed an order dated 02.01.1998 in CLRs Ref.B4/614/97

directing respondent No.3 to examine the availability of the government land fit for cultivation and eligibility of the claimants and take action for either assignment of alternative government land or purchase the patta land. In pursuance of the said order, the then District Collector passed orders vide CLR File No.E1/2906/1997, dated 09.11.1997 to provide land. The grievance of the petitioners is that even after decades from the date of acquisition of the land and even after several representations being made by the petitioners, the respondents have not allotted alternative suitable land in lieu of compensation.

4. Learned counsel for the petitioners has submitted that by virtue of the patta assigned in the year 1951 under the provisions of the Act, the petitioners are entitled either for compensation or allotment of alternative suitable land.

5. In view of the above submissions, it is evident that the respondents acquired the land belonging to the petitioners' father on the assurance that they will allot alternative suitable land in lieu of compensation. However, even after decades and several representations, the respondents have failed to adhere to the same. This inaction on the part of the respondents amounts to violation of Articles 14, 21 and 300A of the Constitution of India.

6. Therefore, the writ petition is disposed of by directing the respondents to examine the case of the petitioners and if it is found that the petitioners are eligible and the assignment has been granted as stated by the petitioners in the year 1951, the respondents are directed to pay compensation or allot suitable land. If the petitioners are not entitled for allotment of suitable land or if there is no suitable land within the vicinity of Nalgonda, the respondents are directed to pass a reasoned order duly taking into consideration the letter addressed by respondent No.2 in CLRs Ref.B4/614/97, dated 02.01.1998, as expeditiously as possible, within a period of six (06) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/-N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, The State of Telangana, Revenue Department, Secretariat, Hyderabad.
2. The Chief Commissioner of Land Administration, Nampally, Hyderabad.
3. The District Collector, Nalgonda, Nalgonda District.
4. The Revenue Divisional Officer, Devarakonda, Naglonda District.
5. The Tahsildar, Devarakonda Mandal, Nalgonda District.
6. One CC to Sri Ponnam Mahesh Babu, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CD Copies

T J
BS

HIGH COURT

DATED:19/12/2024



ORDER

WP.No.33532 of 2022

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(11)
21/02/25