

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

**MONDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 29769 OF 2023

Between:

1. Jadav Santosh Rao, S/o. Vithal Rao, Aged about 36 years, Occ. Agriculture, R/o. 1-74A, Pothangal Kh.ird Village Gandhari Mandal, Kamareddy District - 503 114.
2. M. Kishan Rao, S/o. Bhojarao Aged about 55 years, Occ.. Agriculture, Pothangal Khurd Village, Gandhari Mandal, Kamareddy District - 503 114.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The State of Telangana, Rep by its Principal Secretary, Panchayat Raj Department Secretariat, Hyderabad.
3. The District Collector, Kamareddy District, At Kamareddy.
4. The District Panchayat Officer, Kamareddy District at Kamareddy.
5. The Mandal Parishad Development Officer, Gandhari Mandal, Kamareddy District.
6. Pothangal Khurd Gram Panchayat, Rep. by its Secretary, Gandhari Mandal, Kamareddy 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 directions more particularly a Writ in the nature of mandamus declaring the action of the respondents, more particularly that of the respondent No. 6 in seeking to take over the land of the petitioners without following any due process of Law, without any prior notice and in spite of objections and various representations including the representation to respondent No.3 dated 4.10.2023 and representation to respondent No.5 dated 20.09.2023 are challenged in this writ petition as being arbitrary, illegal and violative of Articles 14, 19 (1) (g), 21 and 300-A of Constitution of India and consequently direct the respondents not to enter upon land bearing Sy.No.200/A admeasuring Ac.0-07 Gts

situated at Pothangal Khurd Village, Gandhari Mandal, Kamareddy District without following due process of Law or take any steps having the effect of dispossessing the petitioners from the land in Sy.No.200/A admeasuring Ac.0-07 Gts situated at Pothangal Khurd Village, Gandhari Mandal, Kamareddy District

IA NO: 1 OF 2023

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 not to take over the land or dispossess the petitioners from land in Sy.No.200/A admeasuring Ac.0-07 Gts situated at Pothangal Khurd Village, Gandhari Mandal, Kamareddy District without following due process of Law

Counsel for the Petitioners: SRI. VIJAY B PAROPAKARI

Counsel for the Respondent Nos.1 & 3: GP FOR REVENUE

Counsel for the Respondent No.2: GP FOR PANCHAYATH RAJ

Counsel for the Respondent Nos.4 to 6: SRI P. CHANDRA SHEKAR REDDY SC FOR GP

The Court made the following: ORDER

HON'BLE SMT. JUSTICE T.MADHAVI DEVI

WRIT PETITION No.29769 of 2023

ORDER:

This writ petition is filed by the petitioners seeking to declare the action of the respondents more particularly respondent No.6 in seeking to take over the land of the petitioners without following due process of law, and without any prior notice and in spite of objections and various representations including the representation to respondent No.3 dated 04.10.2023 and representation to respondent No.5 dated 20.09.2023, as illegal, arbitrary, and violative of Articles 14, 19 (1) (g), 21 and 300-A of Constitution of India and consequently to direct the respondents not to enter upon land bearing Survey No.200/A admeasuring Ac.0.07 guntas situated at Pothangal Khurd Village, Gandhari Mandal, Kamareddy District, without following due process of law or take any steps having the effect of dispossessing the petitioners from the land in SurveyNo.200/A admeasuring Ac.0.07

guntas situated at Pothangal Khurd Village, Gandhari Mandal, Kamareddy District.

2. Heard both the sides and perused the material available on record.

3. Petitioners claim to be the owners of the land in Survey No.200/A admeasuring Ac.0.07 guntas situated at Pothangal Khurd Village, Gandhari Mandal, Kamareddy District. It is submitted that the Gram Panchayat has purchased land in Survey Nos.200/A and 200/B and has cleared the same for construction of a building thereon and in this process, is trying to occupy the petitioners property. It is further submitted that the petitioners had raised objections by way of representations dated 20.09.2023 and 04.10.2023, but they have not been considered by the respondents so far.

4. The respondents, on the other hand, have replied that the owners of the subject property have given no objection to the construction of new Gram Panchayat

building. In view of these submissions, the petitioners were directed to submit the supporting documents in favour of their objections to the notice dated 20.09.2023. The petitioners submitted that they submitted a reply along with relevant documents, and since no action was taken thereafter, the present writ petition was filed.

5. Upon hearing both the parties, this Court finds that there is no impugned order before this Court, and the respondents have filed a counter-affidavit restating the submissions made by the petitioners in response to the notice dated 20.09.2023. It also appears that the building is now complete.

6. In view of the above, learned counsel for the petitioner sought liberty of this Court to pursue alternate remedies.

7. With the above observations, this writ petition is closed granting liberty as sought for. There shall be no order as to costs.

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

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. VIJAY B PAROPAKARI Advocate [OPUC]
2. One CC to SRI P. CHANDRA SHEKAR REDDY SC FOR GP [OPUC]
3. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CCs to GP for Panchayath Raj, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

KKS
BS

lep'

HIGH COURT

DATED:11/11/2024

ORDER

WP.No.29769 of 2023



CLOSING THE WRIT PETITION
WITHOUT COSTS

9 copies
lip
20/12/24