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

TUESDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 29968 OF 2023

Between:

Punem Koteswara Rao, S/o: Ramesh, Occ. PESA Gram Sabha Vice President, Subash Nagar Village Gram Sabha and G.P., Aged. 30 years, Occ. Agriculture, R/o H.No.11-93, Lalithapuram Village, Subash Nagar Gram Panchayat, Yellandu Mandal, Bhadradri Kothagudem District, Telangana State -507123

...PETITIONER

AND

1. State of Telangana, Rep. by its Secretary to Government, Tribal Welfare Department, DR.B.R.Amdedkar Telangana Secretariat, Hyderabad.
2. The District Collector and Agent to Government, Bhadradri Kothagudem District, Kothagudem,
3. The Project Officer and Adll. Agent to the Government I.T.D.A, Bhadrachalam, at Bhadrachalam Bhadradri Kothagudem District.
4. The District Panchayat Officer, Bhadradri Kothagudem District, Kothagudem.
5. The Revenue Divisional Officer Cum Agency Divisional Officer, Kothagudem Division, at Kothagudem, Bhadradri Kothagudem District.
6. The Tahsildar, Yellandu Mandal, Yellandu Bhadradri Kothagudem District.
7. Subashnagar Gram Panchayat, Rep. by its Panchayat Secretary, Subashnagar, Yellandu Mandal, Bhadradri Kothagudem District
8. Aitha Vesweswara Rao, S/o. Lingaiah, Age. Not Known, R/o. Subashnagar Gram Panchayat, Subashnagar, Yellandu Mandal, Bhadradri Kothagudem District.
9. Aitha Mallikarjunarao, S/o. Lingaiah, Age. Not Known, R/o. Subashnagar Gram Panchayat, Subashnagar, Yellandu Mandal, Bhadradri Kothagudem District.
10. Jampala Krishnamraju, S/o: Narsaiah, Age. Not Known, R/o. Khammam Road, Subashnagar, Subashnagar Gram Panchayat, Yellandu Mandal, Bhadradri Kothagudem District.
11. Gudla Padma, W/o: Pichaiah, Age. Not known, Occ. Housewife, R/o. Thodithalagudem, Singareni Mandal, Khammam 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 particularly one in the nature of WRIT OF MANDAMUS, declaring the inaction of the respondent authorities, particularly R 03, R 5 and R 6 on numerous complaints filed by the petitioner to initiate proceedings against respondents 08 to 11, under Telangana Scheduled areas Land Transfer regulation 1959 as amended by Regulation 1/70, with regard to the subject government land in Sy.No.603 of Sudimalla revenue village, Yellandu mandal , Bhadradri Kothagudem District as illegal, unconstitutional and contrary to the law laid down by the Hon'ble Supreme Court and this Hon'ble High Court and consequently direct the 05th respondent to immediately initiate LTR proceedings u/s 3(2) of LTR 1/59 as amended by regulation 1/70 with regard to the subject government land of Sudimalla revenue Village in Sy.No.603 and conclude the same as per the directions issued by the Government vide Memo No. Memo No.11456/TW.LTR.1/06 dt.28.02.2008.

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 respondents 04 and 07 to immediately act upon the representations of the petitioner dt.01.12.2020, 02.02.2022 and 05.05.2023, as per the provisions of Telangana Panchayat Raj Act 2018, with regard to illegal constructions being made by the respondents 08 to 11 in subject land in Sy.No.603 of Sudimalla revenue village, Yellandu mandal, Bhadradri Kothagudem District.

Counsel for the Petitioner: SRI CH RAVI KUMAR

Counsel for the Respondent Nos.1 to 3 and 5: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: GP FOR PANCHAYAT RAJ

Counsel for the Respondent No.6: GP FOR REVENUE

Counsel for the Respondent No.7: SRI P. KISHORE RAO,

Counsel for the Respondent No.8: SRI MOHAMMAD NASEER PASHA

Counsel for the Respondent No.10: SRI B. BALAJI

Counsel for the Respondent No.9:----

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO.29968 OF 2023

ORDER:

This Writ Petition is filed seeking following relief:

> *"... to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the inaction of the authorities, particularly Respondent Nos.3, 5 and 6 on numerous complaints filed by the petitioner to initiate proceedings against respondents 8 to 11, under Telangana Scheduled areas Land Transfer regulation 1959 as amended by Regulation 1/70, with regard to the subject government land in Sy.No.603 of Sudimalla revenue village, Yellandu Mandal, Bhadradri Kothagudem District as illegal, unconstitutional and contrary to the law laid down by the Hon'ble Supreme Court and this Court and consequently direct the 5th respondent to immediately initiate LTR proceedings u/s 3(2) of LTR 1/59 as amended by regulation 1/70 with regard to the subject government land of Sudimalla revenue Village in Sy.No.603 and conclude the same as per the directions issued by the Government vide Memo No.11456/TW.LTR.1/06 dt.28.02.2008 and to pass..."*

2. Heard Sri CH. Ravi Kumar, learned counsel for the petitioner and learned Assistant Government Pleader for the respondents. With their consent, the writ petition is disposed of at the stage of admission itself.

3. Learned counsel for the petitioner contended that the petitioner submitted a complaint to the respondent authorities requesting to initiate the proceedings under Section 3(2) of LTR 1/59 as amended by LTR 1/70, in respect of the land in Survey No.603 of Sudimalla Revenue Village. Learned counsel further submits that the petitioner submitted representations on 01.12.2020, 02.02.2022 and 05.03.2023 and pursuant to the

representations submitted by the petitioner, respondent No.2 addressed letters to respondent Nos.4 and 5 directing them to take necessary action, till date they have not taken any steps.

4. Learned Assistant Government Pleader appearing for the respondents submits that if the representations submitted by the petitioner are still pending with the authorities, it would be considered by the authorities, in accordance with law.

5. Having considered the rival submissions made by the respective parties and without going into the merits of the case, the writ petition is disposed of directing the respondent Nos.4 and 7 to consider the representation made by the petitioner dated 05.05.2023 and take appropriate decision after giving notice to the effected parties and pass appropriate orders in accordance with law within a period of six (06) months from the date of receipt of a copy of this order.

6. Accordingly, the Writ petition is disposed of.

Miscellaneous applications, if any, pending in this writ petition, shall stands closed.

SD/-T.VIJAY KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary to Government, Tribal Welfare Department, DR.B.R.Amdedkar Telangana Secretariat, State of Telangana, Hyderabad.
2. The District Collector and Agent to Government, Bhadradri Kothagudem District, Kothagudem,
3. The Project Officer and Adll. Agent to the Government I.T.D.A, Bhadrachalam, at Bhadrachalam Bhadradri Kothagudem District.
4. The District Panchayat Officer, Bhadradri Kothagudem District, Kothagudem.

5. The Revenue Divisional Officer Cum Agency Divisional Officer, Kothagudem Division, at Kothagudem, Bhadradri Kothagudem District.
6. The Tahsildar, Yellandu Mandal, Yellandu Bhadradri Kothagudem District.
7. The Panchayat Secretary, Subashnagar Gram Panchayat, Subashnagar, Yellandu Mandal, Bhadradri Kothagudem District
8. One CC to Sri CH. Ravi Kumar, Advocate [OPUC]
9. One CC to Sri B. Balaji, Advocate[OPUC]
10. One CC to Sri P. Kishore Roa, SC[OPUC]
11. One CC to Sri Mohammed Naseer Pasha, Advocate[OPUC]
12. Two CCs to GP for Social Welfare, High Court for the State of Telangana, at Hyderabad [OUT]
13. Two CCs to GP for Revenue, High Court for the State of Telangana, at Hyderabad [OUT]
14. Two CCs to GP for Panchayat Raj, High Court for the State of Telangana, at Hyderabad [OUT]
15. Two CD Copies

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HIGH COURT

DATED:20/02/2024

ORDER

WP.No.29968 of 2023



DISPOSING OF THE WRIT PETITION WITHOUT COSTS.

(20) Copies
GBR

MBL
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