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

THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 33727 OF 2023

Between:

1. Eerlapalli Narasimha, S/o Pentaiah, aged about 74 years, Occ ; Agriculture, R/o H.No.3-55, Pocharam Village, Ibrahimpatnam Mandal, Ranga Reddy District.
2. Eerlapalli Sathaiah, S/o Pentaiah, aged about 62 years, Occ ; Agriculture, R/o H.No.3-90, Pocharam Village, Ibrahimpatnam Mandal, Ranga Reddy District.
3. Eerlapalli Babulu, S/o Pentaiah, aged about 51 years, Occ ; Agriculture, R/o H.No.3-54, Pocharam Village, Ibrahimpatnam Mandal, Ranga Reddy District.
4. Eerlapalli Anjaiah, S/o S/o Pentaiah, aged about 48 years, Occ ; Agriculture, R/o H.No.4-2, Pocharam Village, Ibrahimpatnam Mandal, Ranga Reddy District

.....PETITIONERS

AND

1. The State of Telangana, Revenue Department, Secretariat, Secretariat Building, Secretary, Hyderabad, Rep. by its Principal Secretary.
2. The Chief Commissioner Land Administration (CCLA), Telangana State, O/o Opp. Annapurna Hotel, Nampally Station Road, Abids, Hyderabad.
3. The District Collector, Ranga Reddy, Ranga Reddy District.
4. The Revenue Divisional Officer, Ibrahimpatnam Division, Ranga Reddy District.
5. The Tahsildar, Ibrahimpatnam Mandal, Ranga Reddy 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 an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3 to 5 in non-considering the representation of the petitioner on 10/5/2023 and non-initiating to delete the

land from the prohibition list in respect of the land of the 1st petitioners land in Sy.No.255/12/EE2 to an extent of Ac.0.0150 gts and Sy.No.255/C/1 to an extent of Ac.0.10 gts, 2nd petitioners land in Sy.No.255/12/EE3 to an extent of Ac.0.150 gts, Sy.No.255/C/2 to an extent of Ac.0.10 gts, the 3rd petitioner's land in Sy.No.255/12/EE1 to an extent of Ac.0.0150, Sy.No.255/C/4 to an extent of Ac.0.10 gts and the 4th petitioner's land in Sy.No.255/12/EE4 to an extent of Ac.0.0150 gts and Sy.No.255/C/3 to an extent of Ac.0.10 gts totaling to an extent of Ac.1.06 gts situated at Pocharam Revenue Village, Ibrahimpatnam Mandal, Ranga Reddy District, which is allotted to the grandfather of the petitioner prior to the commencement of prohibition of Assigned Lands Act, 1977 and by treating the patta land of the petitioner is highly illegal, arbitrary, unconstitutional, violation of Principles of Natural Justice and violation of Article 14 and 300-A of the Constitution of India and consequently direct the respondent Nos.3 to 5 to consider the representation of the petitioner on 10/5/2023 and to delete the land from the prohibition list in respect of the above agriculture land of petitioners which is situated at Pocharam Revenue Village, Ibrahimpatnam Mandal, Ranga Reddy District, which is allotted to the grandfather of the petitioner prior to the commencement of prohibition of Assigned Lands Act, 1977 and by treating the patta land of the petitioner.

I.A.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 respondent Nos.3 to 5 to consider the representation of the petitioner on 10/5/2023 and to delete the land from the prohibition list in respect of the 1St petitioners land in Sy.No.255/12/EE2 to an extent of Ac.0.0150 gts and Sy.No.255/C/1 to an extent of Ac.0.10 gts, 2nd petitioners land in Sy.No.255/12/EE3 to an extent of Ac.0.150 gts, Sy.No.255/C/2 to an extent of Ac.0.10 gts, the 3rd petitioner's land in Sy.No.255/12/EE1 to an extent of Ac.0.0150, Sy.No.255/C/4 to an extent of Ac.0.10 gts and the 4th petitioner's land in Sy.No.255/12/EE4 to an extent of Ac.0.0150 gts and Sy.No.255/C/3 to an extent of Ac.0.10 gts totaling to an extent of Ac.1.06 gts situated at Pocharam Revenue Village, Ibrahimpatnam Mandal, Ranga Reddy District, which is allotted to the grandfather of the petitioner prior to the commencement of prohibition of

Assigned Lands Act, 1977 and by treating the patta land of the petitioner pending disposal of the writ petition.

Counsel for the Petitioners : SRI RAPOLU BHASKAR

Counsel for the Respondents : AGP FOR REVENUE

The Court made the following ORDER

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.33727 OF 2023

ORDER : (ORAL)

This writ petition is filed by the petitioners seeking to declare the action of the respondent Nos.3 to 5 in not considering their representation dated 10.05.2023 for deletion of petitioners' land admeasuring Ac.0-0150 guntas in Survey No.255/12/EE2 and Ac.0-10 guntas in Survey No.255/C/1 (petitioner No.1), Ac.0-150 guntas in Survey No.255/12/EE3 and Ac.0-10 guntas in Survey No.255/C/2 (petitioner No.2), Ac.0-0150 guntas in Survey No.255/12/EE1 and Ac.0-10 guntas in Survey No.255/C/4 (petitioner No.3) and Ac.0-0150 guntas in Survey No.255/12/EE4 and Ac.0-10 guntas in Survey No.255/C/3 (petitioner No.4), respectively, total admeasuring Ac.1-06 guntas, situated at Pocharam Revenue Village, Ibrahimpatnam Mandal, Ranga Reddy District, from the prohibitory list, as being illegal, arbitrary and unconstitutional.

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue appearing for respondents, and perused the material available on record.

3. It is submitted that the ancestor of the petitioners by name Mr. Eerlapalli Mallaiah was the absolute owner and possessor of the land admeasuring Acs.10-00 guntas in Survey No.255, situated at Pocharam Revenue Village, Ibrahimpatnam Mandal, Ranga Reddy District. His name was mutated in the revenue records and he was issued pattadar passbook. After his death, the land was partitioned among the family members, whereby an extent of Ac.0-0150 guntas in Survey No.255/12/EE2 and Ac.0-10 guntas in Survey No.255/C/1 (petitioner No.1), Ac.0-150 guntas in Survey No.255/12/EE3 and Ac.0-10 guntas in Survey No.255/C/2 (petitioner No.2), Ac.0-0150 guntas in Survey No.255/12/EE1 and Ac.0-10 guntas in Survey No.255/C/4 (petitioner No.3) and Ac.0-0150 guntas in Survey No.255/12/EE4 and Ac.0-10 guntas in Survey No.255/C/3 (petitioner No.4), respectively, total admeasuring Ac.1-06 guntas, were allotted to the petitioners

towards their share and their names were mutated in the revenue records and they were issued pattadar pass books and title deeds.

4. It is submitted that the land to an extent of Acs.10-00 guntas was assigned to Mr. Errlapalli Mallaiah in the year 1952 and it is not hit by the provisions of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977. However, the respondent authorities have wrongly included the subject land in prohibitory list treating it to be an assigned land. The petitioners intended to sell the land for their personal needs. However, they could not sell the land, as the land is kept in prohibitory properties list. The petitioners made a representation dated 10.05.2023 for deletion of their land from the prohibitory list.

5. Learned counsel for the petitioners submitted that on being advised, the petitioners submitted Dharani Application No.2300163516 dated 14.12.2023 for removing the subject land from the prohibitory list.

6. Learned Assistant Government Pleader for Revenue appearing for respondents submitted that appropriate action will be

taken on the Dharani Application submitted by the petitioners, in accordance with law.

7. Recording the aforesaid submissions and without going into the merits of the case, the writ petition is disposed of directing respondent Nos.3 and 5 to consider the Dharani Application No.2300163516 dated 14.12.2023 submitted by the petitioners for deletion of the land admeasuring Ac.0-0150 guntas in Survey No.255/12/EE2 and Ac.0-10 guntas in Survey No.255/C/1 (petitioner No.1), Ac.0-150 guntas in Survey No.255/12/EE3 and Ac.0-10 guntas in Survey No.255/C/2 (petitioner No.2), Ac.0-0150 guntas in Survey No.255/12/EE1 and Ac.0-10 guntas in Survey No.255/C/4 (petitioner No.3) and Ac.0-0150 guntas in Survey No.255/12/EE4 and Ac.0-10 guntas in Survey No.255/C/3 (petitioner No.4), respectively, total admeasuring Ac.1-06 guntas, situated at Pocharam Revenue Village, Ibrahimpatnam Mandal, Ranga Reddy District, from the prohibitory list, by issuing notice to all concerned/interested persons, and pass orders, in accordance with law, within a period of forty five (45) days from the date of receipt of a copy of this order. No order as to costs.

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

SD/-K.SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Secretariat, Secretariat Building, Secretary, State of Telangana at Hyderabad.
2. The Chief Commissioner Land Administration (CCLA), Telangana State, O/o Opp. Annapurna Hotel, Nampally Station Road, Abids, Hyderabad.
3. The District Collector, Ranga Reddy, Ranga Reddy District.
4. The Revenue Divisional Officer, Ibrahimpatnam Division, Ranga Reddy District.
5. The Tahsildar, Ibrahimpatnam Mandal, Ranga Reddy District.
6. Two CCs to GP For Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to Sri Rapolu Bhaskar, Advocate [OPUC]
8. Two CD Copies

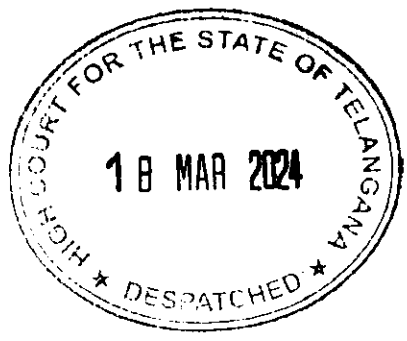
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HIGH COURT

DATED:22/02/2024



ORDER

WP.No.33727 of 2023

DISPOSING OF THE W.P

WITHOUT COSTS.

(11) Copies

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