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: 33738 OF 2023

Between:

1. Eerlapalli Bhaskar, S/o Late Lakshmaiah, aged about 49 years, Occ. Agriculture, R/o H.No.3-10712, Pocharam Village, Ibrahimpatnam Mandal, Ranga Reddy District.
2. Eerlapalli Sudhakar, S/o Late Lakshmaiah, aged about 42 years, Occ. Agriculture, R/o H.No.3-107/1, 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, 0/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/AA/1 to an extent of Ac.0.09 gts and 2nd petitioner's land in Sy.No.255/12/AA/2 to an extent of Ac.0.09 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 land of the 1st petitioner's land in Sy.No.255/12/AA/1 to an extent of Ac.0.09 gts and 2nd petitioner's land in Sy.No.255/12/AA/2 to an extent of Ac.0.09 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

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 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 land of the 1st petitioner's land in Sy.No.255/12/AA/1 to an extent of Ac.0.09 gts and 2nd petitioner's land in Sy.No.255/12/AA/2 to an extent of Ac.0.09 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 Petitioner: 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.33738 OF 2023

ORDER : (ORAL)

This writ petition is filed aggrieved by the action of the respondent Nos.3 to 5 in not considering the representation of the petitioners dated 10.05.2023 for deletion of the land admeasuring Ac.0-09 guntas each in Survey No.255/12/AA/1 and Survey No.255/12/AA/2 of petitioner Nos.1 and 2 respectively, 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 grandfather 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. That prior to his death, the grandfather of the petitioner partitioned the property, whereby an extent of Acs.5-00 guntas was allotted to his brother by name Mr. Eerlapalli Lingaiah and he continued to have patta and possession over the remaining extent of Acs.5-00 guntas.

4. It is stated that the said land to an extent of Acs.5-00 guntas was devolved on petitioners and other family members, after the death of Mr. Eerlapalli Mallaiah. The petitioner Nos.1 and 2 were allotted an extent of Ac.0-09 guntas each towards their share and their names were mutated in the revenue records and they were issued pattadar pass books and title deeds.

5. 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.

6. Learned counsel for the petitioners submitted that on being advised, the petitioners submitted Dharani Application No.2300163527 dated 14.12.2023 for removing the subject land from the prohibitory list.

7. 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.

8. 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.2300163527 dated 14.12.2023 submitted by the petitioners for deletion of the land admeasuring Ac.0-09 guntas each in Survey No.255/12/AA/1 and Survey No.255/12/AA/2 of petitioner Nos.1

and 2 respectively, 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/- A. PRATHIMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, Secretariat Building, Secretary, Hyderabad,
2. The Chief Commissioner Land Administration (CCLA), Telangana State, 0/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

B M
GJP

HIGH COURT

DATED:22/02/2024



ORDER

WP.No.33738 of 2023

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

(11) Copies
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18/3/24