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

TUESDAY, THE TWENTY FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 36077 OF 2024

Between:

1. Paale Nagesh, S/o. Late Paale Narsaiah, Aged about 38 years, Occ . Agriculture, R/o.H.No.3-35/2, Karkapatla Village, Markook Mandal, Siddipet District, Telangana State - 502281.
2. Paale Yadamma, W/o. Late Paale Narsaiah, Aged about 58 years, Occ .Housewife, R/o.H.No.3-35/2, Karkapatla Village, Markook Mandal, Siddipet District, Telangana State - 502281.
3. Yenamaina Kistaiah, S/o. Late Y. Mallaiah, Aged about .64 years, Occ Agriculture, R/o. H.No. 1-90, Lakshmapur Village, Shamerpet Mandal, Medchal Malkajgiri, Telangana - 500078.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary (Revenue), Secretariat Building, Hyderabad.
2. The District Collector, Siddipet Dist., Telangana.
3. The Commissioner of Police, Siddipet Commisionarate, Siddipet District, Telangana.
4. The Revenue Divisional Officer, Gajwel Division, Siddipet Dist., Telangana.
5. The Tahasildar, Markook Mandal, Siddipet Dist., Telangana.
6. The Telangana State Industrial Infrastructure Corporation Ltd.,(TSIIC), Rep. by its Managing Director, 6th Floor Parishram Bhavan, Basheerbagh, Hyderabad.
7. The S.H.O., Markook Mandal, Siddipet District, Telangana.
8. The Bharath Bio-Tech, Rep. by its Managing Director, Genome Valley, Turkapally, Shameerpet, Hyderabad, Telangana - 500078.
9. Chintakayala Narayana, S/o. Pochaiah, Aged about .55 years, Occ . VRA(Village Revenue Assistant), Karkapatla Village, Markook Mandal, Siddipet District, Telangana.

...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 appropriate order or orders more particularly one in the nature of Writ of Mandamus or any other appropriate writ, order (or) orders, declaring the act of Respondent No. 4 to 9 in making an attempt to dispossess the Petitioner No. 1 and 2 from their land admeasuring Ac.3.00 gts and the land of the Petitioner

No. 3 admeasuring Ac.3.00 gts in Sy.No. 285 6. total land admeasuring Ac.6.00 gts situated at Karkapatla Village, Markook Mandal, Siddipet District on 13.12.2024 under the guise of conducting survey, without issuing notice and following the due procedure of law is illegal, arbitrary and against the principles of natural justice.

IA NO: 1 OF 2024

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 No.4 to 7 not to interfere into the peaceful possession of the Petitioners No. 1 and 2 admeasuring Ac.3.00 gts and the land of the Petitioner No. 3 admeasuring Ac.3.00 gts in Sy.No. 285/6, total land admeasuring Ac.6.00 gts situated at Karkapatla Village, Markook Mandal, Siddipet District.

Counsel for the Petitioners: SRI M.VIJAYA KUMAR GOUD
Counsel for the Respondent Nos.1 TO 5: AGP FOR ASSIGNMENT
Counsel for the Respondent No.6: SRI L.PRABHAKAR REDDY, SC FOR TSIICL
Counsel for the Respondent No.7: AGP FOR HOME
Counsel for the Respondent Nos.8 & 9: --

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

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ORDER:

It is stated that the petitioners are the owners and possessors of the land admeasuring Acs.6.00 guntas in Sy.No.285/6 situated at Karkapatla Village, Markook Mandal, Siddipet District. It is further stated that assignments were granted to the predecessor-in-interest of the petitioners, for the aforesaid land in terms of the policy enunciated by the Government in G.O.Ms.No.1406, dated 27.05.1958. It is further stated that after granting the assignment, the respondent authorities have mutated the names of the assignees i.e., predecessor-in-interest of the petitioners and pattadar passbooks and title deeds have been issued. It is further stated that the petitioners are receiving various incentives as investment subsidy under various schemes introduced by the Government for cultivation of the land. The grievance of the petitioners is that without issuing any notice and without conducting any survey or enquiry are making efforts to dispossess the petitioners from their land.

2. Considered the submissions of the learned counsel for the petitioners, learned Assistant Government Pleader for

Assignment appearing for respondent Nos.1 to 5; Sri L.Prabhakar Reddy, learned Standing Counsel appearing for respondent No.6, learned Assistant Government Pleader for Home appearing for respondent No.7 and with their consent this writ petition is disposed of at the admission stage. In view of the relief sought in the writ petition, issuance of notice to the unofficial respondents is dispensed with.

3. Learned counsel appearing for the petitioners has vehemently contended that the respondent authorities are not having any power or authority to dispossess the petitioners from the subject land in terms of G.O.Ms.No.1406, dated 27.05.1958 and without conducting any enquiry and without following due process of law are interfering with the possession of the petitioners. Learned counsel for the petitioners further submits that if the petitioners are found to be in violation of the conditions of the assignment, the respondent authorities are entitled to resume the land after issuing notice and conducting enquiry in accordance with law.

4. In view of the above submissions and since the predecessor-in-interest of the petitioners have granted assignment pattas in respect of the subject land and the

assigned lands are heritable and not alienable, this Court is of the opinion that the ends of justice would be met if the petitioners or their predecessors-in-interest have violated the conditions of the assignment in terms of G.O.Ms.No.1406, the respondent authorities are directed to issue a notice and in the enquiry if it is found that the petitioners have violated the patta conditions, they will exercise their power to resume the land by following due process of law. Except following the above procedure, the respondent authorities are directed not to interfere into the subject land, in any manner.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

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

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

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary (Revenue), Secretariat Building, Hyderabad, State of Telangana.
2. The District Collector, Siddipet Dist., Telangana.
3. The Commissioner of police, Siddipet Commisionarate, Siddipet District, Telangana.
4. The Revenue Divisional Officer, Gajwel Division, Siddipet Dist., Telangana.
5. The Tahasildar, Markook Mandal, Siddipet Dist., Telangana.
6. The Managing Director, Telangana State Industrial Infrastructure Corporation Ltd.,(TSIIC), Rep. 6th Floor Parishram Bhavan, Basheerbagh, Hyderabad.
7. The S.H.O., Markook Mandal, Siddipet District, Telangana.
8. One CC to SRI M.VIJAYA KUMAR GOUD, Advocate [OPUC]
9. Two CCs to GP FOR ASSIGNMENT, High Court for the State of Telangana, at Hyderabad. [OUT]
10. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
11. One CC to SRI L.PRABHAKAR REDDY, SC FOR TSIICL [OPUC]
12. Two CD Copies

PSK.

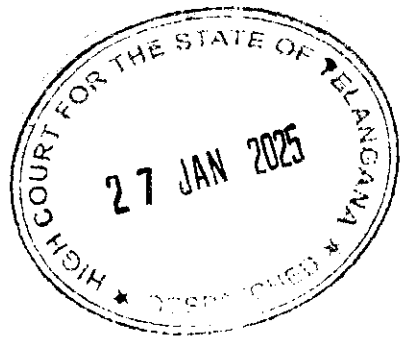
HIGH COURT

CVBR,J

DATED:24/12/2024

ORDER

WP.No.36077 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(16) Copies

27/1/25