

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

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 36868 OF 2024

Between:

Sri Muppalla Narendra Babu, S/o M. Raghavaiah, Aged about 39 years Occ.
Business, R/o Q No. 935AB, BHEL Township, General Hospital, R.C. Puram,
Hyderabad, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue Department
Dr B R Ambedkar Telangana Secretariat Hyderabad
2. The District Collector, Sanga Reddy Sanga Reddy District
3. The Revenue Divisional Officer, Sanga Reddy Division Sanga Reddy District
4. The Tahsildar, Ameenpur Ameenpur Mandal, Sanga 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 a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent No. 4 in issuing impugned notice Vide No. B/576/2023 dated 03/04/2024 to the petitioner who is affected party being absolute owner and possessor of houses constructed in the Plot No. 232 admeasuring 150 Sq Yards in Sy No. 345 to 350 and 357 to 360, situated at Ameenpur Village and Mandal, Sangareddy District by stating that the constructions are in Sy. No. 343, without conducting any land survey and without demarcating Sy No. 343 is illegal, arbitrary and violation of principles of Natural Justice, apart from violation of Articles 14 and 300-A of Constitution of India and to set-aside the impugned notice- B/576/2023 dated 03/04/2024

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 suspend the impugned notice Vide No. B/576/2023-20 dated 03/04/2024 and direct the respondent No.4 not to interfere with the possession of the petitioner's house building in Plot No. 232 admeasuring 150 Sq yards in Sy No. 345 to 350 and 357 to 360, situated at Ameenpur Village and Mandal, Sangareddy District, pending disposal of the Writ Petition

Counsel for the Petitioner: SRI. RAMAVARAM CHANDRASHEKAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.36868 OF 2024

ORDER :

This writ petition is filed with the following relief:-

'...to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.4 in issuing impugned notice vide No.B/576/2023 dated 03.04.2024 to the petitioner who is affected party being absolute owner and possessor of houses constructed in the Plot No.232 admeasuring 150 Sq.yards in Sy.No.345 to 350 and 357 to 360, situated at Ameenpur Village & Mandal, Sangareddy District by stating that the constructions are in Sy.No.343, without conducting any land survey and without demarcating Sy.No.343 is illegal, arbitrary and violation of principles of Natural Justice, apart from violation of Articles 14 and 300-A of Constitution of India and to set aside the impugned notice - B/576/2023 dated 03.04.2024 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice'.

2. Considered the submissions of the learned counsel for the parties and with their consent this writ petition is disposed of at the admission stage.

3. It is stated that the petitioner has purchased plot bearing No.241, admeasuring 150 square yards in Survey Nos.345 to 350 and 357 to 360, situated at Ameenpur Village and Mandal, Sangareddy District, through registered sale deed *vide* document No.17133/2019 from one Jeripeti Vinay Raj and others and constructed a house in the subject plot, after obtaining necessary permission from the competent authorities. It is further stated that the respondent authorities without taking into consideration that the land purchased by the petitioner forming part in Sy.Nos.345 to 350 and 357 to 360, have issued impugned show

cause notice to him stating that he has encroached the Government land forming part in Survey No.343 to an extent of Acs.268.37 gts., and called for an explanation within 15 days from the date of receipt of the notice. The grievance of the petitioner is that the respondent authorities without taking into consideration of the documents enclosed in support of his explanation, issued the impugned show cause notice dated 03.04.2024 as to why he should not be subjected to eviction from the subject land, as he is in unauthorized occupation of the Government land which falls in Survey No.343.

4. Learned counsel for the petitioner has submitted that the petitioner has received the said impugned notice and after receipt of the impugned notice, the petitioner has submitted an explanation stating that the land in possession of the petitioner is not forming part of Survey No.343.

5. Learned Assistant Government Pleader appearing for the respondents vehemently contended that the impugned show cause notice has been issued in proceedings No.B/576/2023, dated 03.04.2024, calling explanation from the petitioner and the period prescribed in the show cause notice expired long back.

6. Except stating that the period prescribed under the show cause notice has expired long back, learned Assistant Government

Pleader has not placed any record to show that the respondents have passed any order under Section 6 of the Act.

7. In view of the above submissions, if no orders have been passed in pursuance of the impugned show cause notice, respondent No.4 is directed to consider the explanation/documents submitted by the petitioner by issuing fresh show cause notice to the petitioner and thereafter pass an appropriate reasoned order by following the procedure prescribed under the Act and communicate the same to the petitioner. Till such time, the parties are directed to maintain *status quo* existing as on today over the subject property. If any orders have been passed in pursuance of the said impugned order, the petitioner is at liberty to file an appeal before the appellate authority constituted under Section 10 of the Act.

8. With the above observations, this Writ Petition is disposed of. No order as to costs.

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

//TRUE COPY//

SD/-N. SRIHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

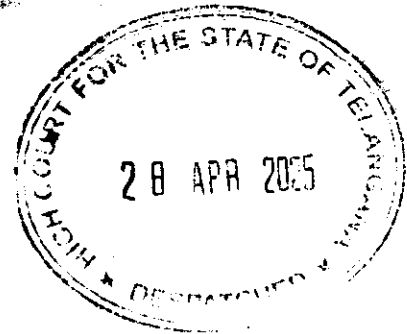
1. The Principal Secretary Revenue Department Dr B R Ambedkar Telangana Secretariat, T.S., Hyderabad
2. The District Collector, Sanga Reddy Sanga Reddy District
3. The Revenue Divisional Officer, Sanga Reddy Division Sanga Reddy District
4. The Tahsildar, Ameenpur Ameenpur Mandal, Sanga Reddy District
5. One CC to SRI. RAMAVARAM CHANDRASHEKAR REDDY, Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies
B M

HIGH COURT

DATED:31/12/2024

ORDER

WP.No.36868 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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[Signature]
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