

**IN THE 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: 36988 OF 2024

Between:

1. Uppunuri @ Uppunoori Sambaiah, S/o. Uppunuri @ Uppunoori Chinna Venakaiah, Aged about 62 years, Occ. Daily Wage Labourer, R/o. NSP Camp, Nidamanoor Village and Mandal, Nalgonda District - 508278
2. Uppunuri @ Uppunoori Venkatamma @ Venkamma, W/o. Uppunuri @ Uppunoori Sambaiah, Aged about 58 years, Occ. House Wife, R/o. NSP Camp, Nidamanoor Village and Mandal, Nalgonda District - 508278*

...PETITIONERS

AND

1. State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Nalgonda District - 508001.
3. The Tahsildar, Nidamanoor Mandal, Nalgonda District - 508278.

...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 of Mandamus or any other appropriate Writ, Direction or Order declaring the actions of the 3rd respondent - (1) in not regularising the property admeasuring 210 Sq.Yards, in Survey No. 230, Nidamanoor Mandal, Nalgonda District (subject property) despite the Petitioners compliance with all the procedural requirements including payment of charges as determined by the 3rd respondent (2) in issuing notice dt.12/12/2024 vide LR.No.B/1681/2022 u/s. 7 of the Land Encroachment Act while the Petitioners application for regularising the subject property is pending with the very same authority. and (3) in threatening to demolish the subject property without even considering the Reply dt. 12/12/2024 submitted by the Petitioners - as illegal, arbitrary, unjust and violative of principles

of natural justice and Articles 14 and 21 of the Constitution of India, and consequently set-aside the notice dt.12/12/2024 vide LR.No.B/1681/2022 issued by the 3rd respondent u/s.7 of the Land Encroachment Act including the consequential proceedings if any, and further direct the Respondents to forthwith regularize the subject property in favour of the Petitioners.

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 respondents not to interfere with the petitioners possession and enjoyment of the property admeasuring 210 Sq.Yards in Survey No. 230 Nidamanoor Mandal, Nalgonda District pending disposal of the writ petition.

Counsel for the Petitioner : SRI J.PRADEEP KIRAN

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.36988 of 2024

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

"..to issue writ or order or direction more particularly in the nature of Writ of Mandamus declaring the actions of the 3rd respondent – (1) in not regularising the property admeasuring 210 Sq Yards in Survey No.230, Nidamanoor Mandal, Nalgonda District ('subject property') despite the Petitioners compliance with all the procedural requirements including payment of charges as determined by the 3rd respondent (2) in issuing notice dt.12/12/2024 vide LR.No.B/1681/2022 u/s. 7 of the Land Encroachment Act while the Petitioners application for regularising the subject property is pending with the very same authority and (3) in threatening to demolish the subject property without even considering the Reply dt.12/12/2024 submitted by the Petitioners, as illegal arbitrary unjust and violative of principles of natural justice and Articles 14 and 21 of the Constitution of India and consequently set aside the notice dt.12/12/2024 vide LR.No.B/1681/2022 issued by the 3rd respondent u/s 7 of the Land Encroachment Act including the consequential proceedings if any and further direct the Respondents to forthwith regularize the subject property in favour of the Petitioners and pass.."

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

3. It is stated that the petitioners belong to SC (Madiga) community and are economically backward and they are in occupation of a dwelling unit in Sy.No.230, of Nidamanoor Village

and Mandal, Nalgonda District since more than three decades. It is further stated that they have made a representation to respondent No.3 for regularization of the subject property in terms of the policy laid down under G.O.Ms.Nos.58 and 59 of 2015, dated 30.12.2024. It is further stated that the said GOs are kept in abeyance by the State Government. The case of the petitioners is that respondent No.3 has issued a notice *vide* LR.No.B/1681/2022, dated 12.12.2024 under Section 7 of the Land Encroachment Act, 1905, (for short, 'the Act') treating the occupation of the petitioner as an encroachment and making efforts for removal of the same. The further case of the petitioners is that soon after receiving the said notice issued under Section 7 of the Act, they have submitted an elaborate explanation dated 17.12.2024 by duly enclosing necessary documents.

4. In view of the above, it appears that the matter is seized before respondent No.3. Therefore, this Court deems it appropriate to dispose of the writ petition directing respondent No.3 to examine the explanation dated 17.12.2024 submitted by the petitioner and pass a reasoned order strictly in accordance with the provisions of the Act and communicate the same to the petitioner. Until the said exercise is completed, the respondents are directed not to take any coercive action.

5. With the above directions, this Writ Petition is disposed of.

There shall be no order as to costs.

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

SD/-P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Nalgonda District - 508001.
3. The Tahsildar, Nidamanoor Mandal, Nalgonda District - 508278.
4. One CC to SRI J.PRADEEP KIRAN, Advocate. [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
6. Two CD Copies.

BSK

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BS

HIGH COURT

DATED:31/12/2024



ORDER

WP.No.36988 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(9) Copies

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22/2/25