

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

FRIDAY, THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 28587 OF 2022

Between:

Gangi Jagan, S/o Narsimha, aged about 61 years, R/o.H.No.5-1, Ankushapur Village, Ghatkesar Mandal, R.R.District.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Medchal-Malkajgiri District.
3. The Tahsildar, Ghatkesar Mandal Medchal-Malkajgiri 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 appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 3rd respondent in erecting the Caution Board in the petitioners land in Sy.No. 196/Lu admeasuring Ac. 0.33 gts., situated at Ankushapur village, Ghatkesar Mandal, Medchal-Malkajgiri District, erstwhile Ranga Reddy District, without passing any orders on the explanation dt.14.6.2022 submitted by the petitioner to the show Notice dt. 26.5.2022 bearing No. B/388/2022, as being illegal, arbitrary, unjust, unconstitutional and colourable exercise of powers and consequently direct the 3rd respondent not to adopt any illegal and coercive methods without following the due process of Law.

I.A.NO:1 OF 2022

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.3 herein to forthwith remove the caution board erected in the petitioners land in Sy.No. 196/Lu admeasuring Ac. 0.33 gts., situated at Ankushapur village, Ghatkesar Mandal, Medchal-Malkajgiri District, erstwhile

Ranga Reddy District, by preventing him from interfering with the peaceful possession and enjoyment of the petitioner, pending disposal of the main writ petition.

Counsel for the Petitioner : M/s.P.VIJAYA LAKSHMI

Counsel for the Respondents : GP FOR REVENUE

The Court made the following ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No. 28587 OF 2022

ORDER:

Heard, learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents.

2. This Writ Petition was filed on 07.07.2022 contending that though petitioner had submitted an explanation in response to the notice issued by respondent No.3 bearing No.B/388/2022, dated 26.05.2022, respondent No.3, without passing any order and without considering the explanation submitted by the petitioner, had erected a caution board in the land assigned in favor of the petitioner admeasuring Ac.0.33 gts., situated in Sy.No.196/Lu of Ankushapur Village, Ghatkesar Mandal, Medchal-Malkajgiri District.

3. When this matter came up for admission on 08.07.2022, this Court granted time to learned Assistant Government Pleader to get instructions in the matter and on failure of the respondents to furnish instructions to the learned Assistant Government Pleader, this Court passed an interim order on 08.07.2022 directing the respondents not to interfere with the possession and enjoyment of

the petitioner over the subject land. The said interim order has been extended from time to time.

4. The learned Government Pleader placed before this Court written instructions received from respondent No.3. A perusal of the same shows that respondent No.3, on having considered the explanation submitted by the petitioner, passed an order bearing No.B/388/2022, dated 30.06.2022, ordering for resumption of the subject land. A copy of the said order is also placed before this Court. Having perused the said order this Court called for the record from respondent No.3 pertaining to the said proceedings dated 30.06.2022 and accordingly, the record is placed before this Court. From a perusal of the same, it is seen that the order dated 30.06.2022 passed by respondent No.3 herein was dispatched by the office of respondent No.3 only on 05.06.2022 and even before the same is served upon the petitioner, a Panchanama is shown to have been conducted on 06.07.2022 itself, by taking over the possession of the subject property.

5. Under the provisions of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 ["the Act, 1977" for brevity], as

against an order passed under Section (4) of the Act, 1977, there is a statutory remedy of appeal provided under Section 4(A) of the said Act and a further remedy of revision under Section 4(B) of the said Act, 1977, is provided. But in the instant case, respondent No.3 even before a copy of the order, dated 30.06.2022, is served upon the petitioner, stated to have taken over possession of the subject land from the petitioner. Though, this Writ Petition is filed alleging that no order has been passed by respondent No.3, it is now clear that, respondent No.3 has already passed an order on 30.06.2022, but the said order is not communicated to the petitioner till the date of filing of the present Writ Petition.

6. Under the above circumstances, it is for the petitioner to agitate against the order dated 30.06.2022 by availing the remedy of appeal provided under Section 4(A) of Act, 1977 or otherwise. Accordingly, the Writ Petition is disposed of giving liberty to the petitioner to avail the remedy of appeal provided under Section 4(A) of Act, 1977, against the order passed by respondent No.3 bearing No.B/388/2022, dated 30.06.2022 if he so chose within a period of three (03) weeks from the date of receipt of a copy of this order and the interim order, dated 08.07.2022, passed by this Court shall

continue to operate till the disposal of the appeal by the appellate authority.

7. If no appeal is filed by the petitioner within the time permitted by this Court, the respondents are at liberty to take further action pursuant to the order dated 30.06.2022 passed by respondent No.3 herein.

As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/- N.SRIHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Secretariat, State of Telangana at Hyderabad.
2. The District Collector, Medchal-Malkajgiri District.
3. The Tahsildar, Ghatkesar Mandal Medchal-Malkajgiri District.
4. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to M/s.P.VIJAYA LAKSHMI, Advocate [OPUC]
6. Two CD Copies
7. One spare copy

S.A.



HIGH COURT

MSK,J

DATED:21/10/2022

ORDER

WP.No.28587 of 2022



**DISPOSING OF THE W.P
WITHOUT COSTS.**

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MA

28/10/22