

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.

MUMMINENI SUDHEER KUMAR, J

Date:21.10.2022

Note:-Issue C.C. in two (2) days.

B/o
Nds

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Nds