

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

Writ Petition No.34955 of 2022

ORDER:

This Writ Petition has been filed seeking a Writ of Mandamus declaring the judgment passed by the Court of Additional Agent to the Government and Project Officer, ITDA, Yeturinaagaram in Rc.No.LTR/G-Pet/420/2012-15, dated 08.06.2022 served on the petitioner on 27.08.2022, dismissing the suit, and in declaring the title in favour of the Government, and in not granting an order of injunction against the respondents as illegal and arbitrary.

2. Brief facts leading to the filing of the Writ Petition are that the petitioner has filed a suit No.Rc.No.LTR/G-Pet/420/2012-15 seeking injunction against the respondents No.4 to 29. When the matter was not taken up for hearing, the petitioner has approached this Court in W.P.No.26591/2017 and vide order dated 19.09.2018, this Court has directed the 1st respondent to dispose of the application filed for injunction expeditiously, preferably within a period of four (4) months from the date of receipt of a copy of the order. It is submitted that after receipt of a copy of the said order of the Hon'ble High Court, the

1st respondent has passed the impugned order dated 08.06.2022 dismissing the suit.

3. Learned counsel for the petitioner submitted that the suit was filed against the unofficial respondents for injunction whereas the 1st respondent has gone into the title of the suit and has held that the title of the suit belongs to the Government and therefore the custody of the land has to be taken over by the Government under the cover of Panchanama. It is submitted that the petitioner has been issued a fresh Pattedar Pass Books and title deeds under the Dharani Portal and that he is also receiving the amount under the Rythu Bandhu Scheme.

4. Learned counsel for the petitioner has also referred to the paragraphs in the impugned order, wherein the 1st respondent has referred to Section 3(1)(a) (II) of the A.P. Scheduled Areas Land Transfer Regulation, 1959, which are not in any way relevant to the suit. Therefore, he submits that the order dated 08.06.2022 has to be set aside.

5. Learned Government pleader appearing for respondents No.1 to 3 and learned counsel appearing for respondents No.4 to 29 are also present and heard.

6. Having regard to the rival contentions and material on record, this Court finds that the petitioner has filed a suit for permanent injunction in respect of Sy.no.109/A measuring Ac.30.00 Gts situated at Pasranagaram village of Govindraopet Mandal, Warangal District, before the Court of the Agent (District Collector) Warangal Scheduled tribes area vide Case.Rc.No.LTR/G-Pet/420/2012-2015, dated 04.09.2015. Since, it is a case for injunction, the 1st respondent ought to have considered the issue of possession and further the contention of the petitioner that he is also title holder at the time of disposal of the suit. In view of the same, this court deems it fit and proper to set aside the order dated 08.06.2022 and direct the 1st respondent to reconsider the matter and pass orders thereon without being influenced by any of the findings given in the earlier orders. The 1st respondent shall give reasonable and fair opportunity of hearing to all the parties concerned.

7. Accordingly, the Writ Petition is disposed of, directing the Respondent No.1 to pass orders on the suit filed by the petitioner for

injunction within a period of three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall also stand closed.

JUSTICE P.MADHAVI DEVI

Date: 20.10.2022

TU/PRN

2208

THE HON'BLE SMT. JUSTICE P. MADHAVI DEVI

WRIT PETITION No.34955 of 2022

Date:20.10.2022
TU/PRN