

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY TWO THOUSAND AND
TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 8693 OF 2022

Between:

1. Muthyam Sudarshan Goud, S/o. Namdev,
2. Gattu Tulasibai, W/o. Ramagoud,
3. Bottupelli Parvathi, W/o. Prabhakar,
4. Cherukupally Ramagoud, S/o. Mallaiah,

Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2. The District Collector, Komurambheem Asifabad District
3. The Revenue Divisional Officer, Kagaznagar Revenue Division, Komurambheem Asifabad District
4. The Tahsildar, Kagaznagar Mandal, Komurambheem Asifabad 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 Mandamus the action of the respondents No. 2 to 4 in seeking to dispose the petitioners from their House Plot Nos. 103, 127, 128 and 973 admeasuring 600 sq.yds of 1st petitioner, Plot No. 134 admeasuring 200 sq.yds of 2nd petitioner, Plot No. 16 and 17 admeasuring 300 sq.yds of the 3rd petitioner and Plot No. 12 admeasuring 200 sq.yds of the 4th petitioner situated in Sy.No.117 of Borigaon Village, Kagaznagar Mandal, Komurambheem Asifabad District, without considering the representation dated 08/02/2022 is illegal, arbitrary and contrary to law apart from violation of principles of natural justice besides violation of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents to not to dispossess the petitioners from their respective plots in Sy.No. 117 situated at Borigaon Village, Kagaznagar Mandal, Komurambheem Asifabad District;

IA 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 respondents No. 2 to 4 to not dispossess the petitioners from their open Plot Nos. 103, 127, 128 & 973 admeasuring 600 sq.yds of 1st petitioner, Plot No. 134 admeasuring 200 sq.yds of 2nd petitioner, Plot No. 16 & 17 admeasuring 300 sq.yds of the 3rd petitioner and Plot No. 12 admeasuring 200 sq.yds of the 4th petitioner situated in Sy.No.117 of Borigaon Village, Kagaznagar Mandal,

Komurambheem Asifabad District, pending disposal of the WP 8693 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI N INDRASENA REDDY Advocate for the Petitioners and GP FOR REVENUE for the Respondents, the Court made the following.

ORDER:

The case of the petitioners is that the respondents are trying to dispossess them from their respective house plots in Survey No.117 of Borigoan village, Kagaznagar mandal, Komurambheem Asifabad district without following due process of law.

The learned Assistant Government Pleader has placed on record written instructions of the 4th respondent, wherein it is stated that in the year 2007 Government has acquired land in Sy.No.117 to an extent of Ac.18-36 guntas to provide house sites for weaker sections at Borigoan village of Kagaznagar mandal. In this regard, agreement has been made by pattadars and consent award was passed vide proceedings dated 8.10.2007 and compensation was paid to Prisingula Shankaraiah through cheque No.527122 dated 29.10.2007.

However, as seen from the writ affidavit and documents enclosed to the writ petition, petitioners have purchased plots under registered sale deeds. According to the learned Assistant Government Pleader, acquisition has taken place in the year 2007, but as per the affidavit, petitioners 1, 2 and 4 have purchased their respective plots prior to 2007.

Thus, the matter requires examination.

Status quo obtaining as on today shall be maintained until further orders.

Post on 29.3.2022.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Komurambheem Asifabad District
3. The Revenue Divisional Officer, Kagaznagar Revenue Division, Komurambheem Asifabad District
4. The Tahsildar, Kagaznagar Mandal, Komurambheem Asifabad District (1 to 4 by RPAD)
5. One CC to SRI. N INDRASENA REDDY Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

BVRJ

DATED:22/02/2022

POST ON 29-03-2022

ORDER

WP.No.8693 OF 2022

STATUS QUO

