

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
 THURSDAY, THE NINTH DAY OF JULY TWO THOUSAND AND TWENTY
:PRESENT:
THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY
WRIT PETITION NO: 9534 OF 2020

Between:

Smt. Aruganti Gangamma, D/o. Ashanna Gundla

...Petitioner

AND

1. State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Adilabad District.
3. The Revenue Divisional Officer, Adilabad Division, Adilabad District.
4. The Tahsildar, Mavala Mandal, Adilabad District.
5. The District Registrar, Adilabad District.
6. The Sub-Registrar, Adilabad, Adilabad District.

...Respondents

WHEREAS the Petitioner above named through his Advocate MR. VEDULA SRINIVAS presented this 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, Order or Orders, Direction or Directions to declare the proceedings of the 2nd respondent in No.E4/385/2019, dated: 16.09.2019 as illegal, arbitrary and unconstitutional and to set aside the same and to issue a consequential direction to the 2nd respondent to delete the land of 5 acres in Sy.No.72/24, Battisawargoan Village, Mavala Mandal, Adilabad District, from the prohibited list and to further direct the respondents 5 and 6 to entertain documents in respect of the subject property.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of MR. VEDULA SRINIVAS, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Adilabad District.
3. The Revenue Divisional Officer, Adilabad Division, Adilabad District.
4. The Tahsildar, Mavala Mandal, Adilabad District.
5. The District Registrar, Adilabad District.
6. The Sub-Registrar, Adilabad, Adilabad District.

are directed to show cause on or before 06-08-2020 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents 2 to 4 not to interfere with the peaceful possession and enjoyment of the petitioner of the land of 5 acres in Sy.No.72/24, Battisawargoan Village, Mavala Mandal, Adilabad District, pending disposal of WP.No.9534 of 2020, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

The learned Government Pleader has stated, on instructions, that in spite of giving a fair opportunity to the petitioner to produce the relevant document to show that the assignment of the land admeasuring Acs.5-00 in Survey No.72/24, Battisawargoan Village, Mavala Mandal, Adilabad District (for short 'the subject land') was made prior to 1958, the same was not submitted by the petitioner, and as per the Faisal patti for the year 1961, the patta was implemented in the revenue records in the year 1961. Therefore, the Collector has passed the impugned order and seeks time for filing counter.

Per contra, the learned counsel for the petitioner has stated that as per the information given under RTI, the revenue authorities do not have any documents to substantiate their claim that the assignment was made after 1958 and in the absence of any record, the order of the Collector, in declining the prayer of the petitioner to issue NOC, is not only arbitrary, but also against the various judgments of this Hon'ble High Court.

In view of the rival submissions, the learned Government Pleader is directed to file his counter within four weeks.

Post this case on 06-08-2020.

In the meanwhile, there shall be an interim direction to the respondents not to interfere with the possession of the petitioner over the subject land.

SD/- M MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Adilabad District.
3. The Revenue Divisional Officer, Adilabad Division, Adilabad District.
4. The Tahsildar, Mavala Mandal, Adilabad District.
5. The District Registrar, Adilabad District.
6. The Sub-Registrar, Adilabad, Adilabad District (RR 1 to 6 by RPAD along with a copy of petition and affidavit).
7. One CC to MR. VEDULA SRINIVAS, Advocate [OPUC].
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
9. One spare copy
ZEE

HIGH COURT

AARJ

DATED:09/07/2020

POST THIS CASE ON 06-08-2020

NOTICE BEFORE ADMISSION

WP.No.9534 of 2020

INTERIM DIRECTION

