



2024:TSHC:45610
[3166]

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

**THURSDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 31824 OF 2024

Between:

1. Gaddaguti Satyanarayana, S/o.LateMaisaiah Aged about 65 years, Occ. Agriculture R/o. H.No. 3-9/1, JannaigudaRaviryal (V) Near Laxmi Narasimhaswamy Temple, Maheswaram (M) Rangareddy District - 501510
2. Gaddaguti Narasimha, S/o.LateMaisaiah Aged about 59 years, Occ. Agriculture R/o. H.No. 3-9/1, JannaigudaRaviryal (V) Near Laxmi Narasimhaswamy Temple, Maheswaram (M) Rangareddy District - 501510
3. Pittala Anjaiah, S/o. PittalaNarsimha Aged about 56 years, Occ. Agriculture R/o. H.No. 3-5/1, JannaigudaRaviryal (V) Maheswaram (M) Rangareddy District - 501510
4. Pittala Bikshapath, S/o. Late PittlaNarasimha Aged about. 69 years, Occ. Agriculture H.No. 3-5, Jannaiguda, Raviryal (V) Maheswaram (M) Rangareddy District - 501510

...PETITIONERS

AND

1. The State Of Telangana, Department of Revenue, Dr.B.R.Ambedkar Telangana Secretariat, Tank Bund Road, Hyderabad-500 022 Rep by its Principal Secretary (L.A)
2. The District Collector, Ranga Reddy District, Kongarakalan, Ibrahimpatnam Mandal, Ranga Reddy Dist. Telangana 501510
3. The Special Deputy Collector and Land Acquisition Officer, Office of the Collectorate Ranga Reddy District, At Kongarakalan - 501510
4. The Revenue Divisional Officer, Kandukur, Ranga Reddy Dist Telangana- 501510
5. The Tahsildar, Maheshwaram Mandal, Ranga Reddy Dist, Telangana - 501359
6. TheTelangana State Industrial Infrastructure Corporation Ltd, 6th Floor, Parisrama Bhavanam, Basheer Bagh, Hyderabad 500 004 Rep By. its VCand Managing Director.

...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 appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents trying to dispossess the petitioners from their agricultural lands in Sy. Nos. 37, 40, 42, 43



2024:TSHC:45610

and 58 situated at Jannaiguda H/o Raviryal village, MaheshwaramMandal. Ranga Reddy District and residential houses without following due process of law, without providing compensation, without providing rehabilitation and resettlement as illegal arbitrary and without destroying the standing crops of paddy and vegetables and without considering the representations made to respondent No.4 to 6 on 18.10.2024, 04.10.2024, 16.09.2023 and 30.12.2022 and in not allotting the petitioners an extent of 600 Sq.yars as allotted to the owners of land in Sy.No.38E, as illegal, arbitrary, violation of natural justice and violation of fundamental rights guaranteed under Article 14, 21 and 300A of the Constitution of India

IA NO: 1 OF 2024

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 not to dispossess the petitioners without following due process of law and without paying compensation and without extending resettlement and rehabilitation package to the petitioners and without destroying the standing crops of paddy and vegetables without considering the representations made respondent No.4 to 6 on 18.10.2024, 04.10.2024, 16.09.2023 and 30.12.2022, in the above survey numbers, in the interest of justice.

Counsel for the Petitioners: SRI MOHD ANWAR ALI

Counsel for the Respondent Nos.1 TO 5: GP FOR LAND ACQUISITION

**Counsel for the Respondent No.6: SRI L.PRABHAKAR REDDY, SC FOR
TSIFFCL**

The Court made the following: ORDER



2024:TSHC:45610

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.31824 of 2024

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Land Acquisition appearing for respondent Nos.1 to 5, Sri L.Prabhakar Reddy, learned Standing Counsel appearing for respondent No.6, and with the consent of the counsel appearing for the respective parties, the Writ Petition is taken up for hearing and disposal at admission stage.

2. Petitioners contend that since, the time of their forefathers, they have been cultivating the agricultural land belonging to Sri Laxmi Narasimha Swamy Temple situated in survey Nos.37, 40, 42, 48 and 58 of Raviryala Village, Maheshwaram Mandal, Ranga Reddy District and they are recognized as 'protected tenants'.

3. It is the further contention of the petitioners that the respondents-authorities are taking steps to evict them from the said land without paying any compensation.

4. Petitioners further contend that though in the writ petition viz., W.P.No.20052 of 2022, dt.28.04.2022, the respondents-authorities have claimed to have deposited compensation amount payable before the Civil Court by making a reference under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act'), neither the details thereof were furnished to the petitioners nor the petitioners received any notice from the Court, and as such the action of the respondents-authorities in seeking to dispossess the petitioners from the subject land, which has a standing paddy crop and other commercial crops, is illegal and arbitrary.

5. *Per contra*, learned Government Pleader for Land Acquisition submits that an Award has been passed on 20.06.2006 in respect of the subject land and Sri Laxmi Narasimha Swamy Temple has been recorded as the owner of the subject land, while, the petitioners are shown as 'interested persons'.

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6. Learned Government Pleader further submits that since, an Award has been passed way-back in June, 2006, and reference has been made in terms of Section 30 of the Act, the petitioners, who are continuing to occupy the subject lands, are to be considered as encroachers.

7. It is further contended by the learned Government Pleader that by virtue of operation of law, the petitioners cannot claim to be 'protected tenants' in respect of endowment land.

8. I have taken note of the respective contentions urged.

9. This Court recently had an occasion to consider the scope of Section 82 of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987(for short 'the Endowments Act') vis-à-vis the tenancy in WP.No.17150 of 2019, dt.30.10.2024. In the said decision this Court following the law laid down by the Hon'ble Supreme Court in ***State of Andhra Pradesh v. Nallamilli***

*Rami Reddy & Ors.*¹ and the decision of this Court in *Ch.Satyanarayana & Ors. v. Land Acquisition Officer-cum-Sub-Collector & Others*² and *The Executive Officer, Sri Kanaka Mahalakshmi Ammavaru Devasthanam v. Bokka Venkata Rao & Others*³, had held that a tenant under Endowments Act is not entitled for any right or benefit under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30 of 2013').

10. However, this Court in the aforesaid decision taking note of the fact that the petitioners therein have claimed to be 'persons interested', directed the respondents-authorities to verify as to whether the petitioners therein were recorded as 'persons interested' in order to be entitled for R&R Package benefits, since, the acquisition therein

¹ 2001 (7) SCC 708

² 2008(2) ALD 679 = 2008(2) ALT 742

³ 2010 SCC online AP 608



was undertaken in terms of the provisions of Act 30 of 2013.

11. In the facts of the present case, though the petitioners are recorded as 'interested persons', since, an award has been passed way back in June, 2006 under the provisions of Act, 1894, and a reference having been made under Section 30 of the Act, 1894 to the Court, this Court is of the view that the petitioners are not entitled to claim any protection as protected tenants or otherwise in respect of the land of Sri Laxmi Narasimha Swamy Temple or claim any compensation or benefit of R&R package as framed by the government in terms of G.O.Ms.No.68, dt.08.04.2005, since, the tenancy stood terminated by operation of law viz., Section 82(5) of the Endowment Act as held by the decision of the Apex Court in **Nallamilli Rami Reddy's** case(1 supra) and **Sri Kanaka Mahalakshmi Ammavaru Devasthanam's** case (3 supra).

12. However, since, it has been pleaded that the petitioners are in possession of the subject land even assuming as encroachers, and having undertaken cultivation therein with standing crop of paddy along with other commercial crops, this Court is of the view that the respondents-authorities are to be directed not to dispossess the petitioners from the subject land during Khareef season, 2024, till the petitioners undertake harvesting of the standing paddy crop.

13. Subject to the above observation and direction, the Writ Petition is disposed of. No order as to costs.

14. Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

to

1. The Principal Secretary (L.A), State Of Telangana, Department of Revenue, Dr.B.R.Ambedkar Telangana Secretariat, Tank Bund Road, Hyderabad-500 022
2. The District Collector, Ranga Reddy District, Kongarakalan, Ibrahimpatnam Mandal, Ranga Reddy Dist. Telangana 501510
3. The Special Deputy Collector and Land Acquisition Officer, Office of the Collectorate Ranga Reddy District, At Kongarakalan - 501510
4. The Revenue Divisional Officer, Kandukur, Ranga Reddy Dist Telangana-501510
5. The Tahsildar, Maheshwaram Mandal, Ranga Reddy Dist, Telangana - 501359
6. The VCand Managing Director, Telangana State Industrial Infrastructure Corporation Ltd. 6th Floor, Parisrama Bhavanam, Basheer Bagh, Hyderabad 500 004.



2024:TSHC:45610

7. One CC to SRI MOHD ANWAR ALI, Advocate [OPUC]
8. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of
Telangana, at Hyderabad. [OUT]
9. One CC to SRI L.PRABHAKAR REDDY, SC FOR TSIICL [OPUC]
10. Two CD Copies

PSK.



2024:TSHC:45610

HIGH COURT

DATED:14/11/2024

ORDER

WP.No.31824 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

(13)

2/12/24
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