

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

FRIDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION (PIL) (SR) No: 48499 OF 2023

Between:

Mahesh Bodusu, S/o. Ailayah, aged about 27 years, Occ: Social Worker,
R/o. 2-51/1, Gollagudem Village, Thurkapally Mandal, Yadadri-Bhuvanagiri
District.

...PETITIONER

AND

1. The State of Telangana
Rep. by its Principal Secretary,
Revenue Department,
Dr. B.R. Ambedkar Secretariat
Hyderabad.
2. The Chief Commissioner of Land Administration
Telangana State, Nampally, Hyderabad.
3. The District Collector, Yadadri-Bhuvanagiri district
At Bhuvanagiri
4. The District Collector, Nalgonda district
At Nalgonda.
5. The Revenue Divisional officer, Bhuvanagiri
Yadadri-Bhuvanagiri district
6. The Revenue Divisional officer,
Nalgonda Division, Nalgonda district

7. The Tahsildar,
Rajapeta Mandal, Yadadri-Bhuvanagiri district
 8. The Tahsildar,
Turkapally Mandal, Yadadri-Bhuvanagiri district
 9. The Tahsildar, Narkatpally Mandal,
Nalgonda district
 10. Sakkula Mohan Reddy S/o Lachi Reddy
Aged Major Occ; Business
R/o Pallepahad village, Thurkapally Mandal
Yadadri-Bhuvanagiri district
 11. Sakkula Saivaru Reddy S/o Mohan Reddy
Aged Major, Occ; Business R/o Pallepahad village,
Thurkapally Mandal Yadadri-Bhuvanagiri district
 12. Sakkula Latha W/o Mohan Reddy
Aged Major Occ; Business
R/o Pallepahad village, Thurkapally Mandal
Yadadri-Bhuvanagiri 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 OF MANDAMUS declaring the action of the respondents 1 to 9 in not acting upon the representations of the petitioner dated 02-11-2023 to conduct enquiry and identify the excess lands held by the Respondents 10 to 12 and determine the ceiling area as illegal, arbitrary, contrary to the Telangana Land Reforms (Ceiling on Agricultural Holdings) Act of 1973, violative of Principles of Natural Justice consequently direct the respondents to conduct enquiry and identify the excess lands held by the Respondents Nos. 10 to 12 and determine the ceiling area and take over the excess land by considering the above representations dt. 2-11-2023 otherwise the public interest at large will be effected.

I.A.No. 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 1 to 9 herein to act upon the representations of the petitioner dated 02-11-2023 and take further course of action in accordance with law by strictly following the Telangana Land Reforms (Ceiling on Agricultural Holdings) Act, of 1973 and determining the ceiling area and take over the excess land from the respondents 10 to 12 forthwith by distributing the same to the landless poor people in the interest of public at large.

Counsel for the Petitioner: SRI V.KRISHNA SWAROOP

**Counsel for the Respondent No.1 & 3 to 9: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

Counsel for the Respondent No.2: GP FOR LAND ACQUISITION

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION (PIL) (SR) No.48499 OF 2023

ORDER: *(Per the Hon'ble Sri Justice J.Sreenivas Rao)*

This writ petition (PIL) is filed for the following relief:

“...Writ of Mandamus declaring the action of respondent Nos.1 to 9 in not acting upon the representations of the petitioner dated 02.11.2023 to conduct enquiry and identify the excess lands held by Respondent Nos.10 to 12 and determine the ceiling area as illegal, arbitrary, contrary to the Telangana Land Reforms (Ceiling on Agricultural Holdings) Act of 1973, violative of Principles of Natural Justice consequently direct the respondents to conduct enquiry and identify the excess lands held by the Respondents Nos.10 to 12 and determine the ceiling area and take over the excess land by considering the above representations dated 2.11.2023 otherwise the public interest at large will be effected and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case...”

2. Heard Sri V. Krishna Swaroop, learned counsel for the petitioner and Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing on behalf of respondent Nos.1 and 3 to 9.

3. **Brief facts of the case:**

3.1. The petitioner is claiming that he is a social worker in Gollagudem village and has obtained information through Dharani Website that respondent Nos.10 to 12 are holding land to a total extent of Acs.64.00 situated at Kurraram Village and Jala Village

of Rajapeta Mandal and Pallepahad Village of Turkapalli Mandal of Yadadri-Bhongir District and Chippalapalli Village, Narkatpalli Mandal of Nalgonda District in different survey numbers and also other lands, which is contrary to the Andhra Pradesh/Telangana Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 ('Act, 1973' for brevity).

3.2 The petitioner has submitted representations dated 02.11.2023 to respondent Nos.1 to 9 to conduct enquiry and identify the excess land held by respondent Nos.10 to 12, determine the ceiling area and take over the excess land in accordance with law. In spite of the same, respondent Nos.1 to 9 have not acted upon the same, till date without any reasons.

3.3 As per the provisions of Section 4 of the Act, 1973, in case of a family unit, the ceiling area shall be applied to the aggregate of the land held by all the members of the family unit and in view of the same, respondent Nos.10 to 12 are the family unit who are having excess land. As per Section 5 of the Act, 1973 the extent of standard holding is Acs.54.00, whereas respondent Nos.10 to 12 are holding Acs.64.00. As per the provisions of Section 8(2) of the Act, the respondent authorities have power to issue notice, requiring any person deemed to hold land in excess of the ceiling

area, to furnish a declaration of his holding and respondent Nos.1 to 9 have failed to act upon the representation dated 02.11.2023. Hence, the approach of respondent Nos.1 to 9 being a State under Article 12 of the Constitution of India and being a Statutory authority is arbitrary, capricious and colourable exercise of power and violative of principles of natural justice and contrary to Act, 1973. Hence, the present writ petition (PIL) is filed.

Contentions of learned counsel for the petitioner:

4. Learned counsel for the petitioner contended that respondent Nos.10 to 12 are holding excess land which is contrary to Act, 1973. In spite of several representations made by the petitioner, respondent Nos.1 to 9 are not taking steps to conduct enquiry and identify the excess land held by respondent Nos.10 to 12 and to take the possession of the same from respondent Nos.10 to 12 and same is contrary to law.

Contentions of learned Government Pleader for Revenue:

5. Learned Government Pleader for Revenue submits that the petitioner has not pleaded nor filed any documents to show that respondent Nos.10 to 12 are holding excess land and in the absence of the same, he is not entitled to the relief sought in the writ petition.

Analysis of the Case:

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner is alleging that respondent Nos.10 to 12 are having land exceeding the ceiling limit, as per the provisions of Act, 1973. In spite of repeated representations made by the petitioner, respondent Nos.1 to 9 have not taken any steps against respondent Nos.10 to 12.

7. Admittedly, the petitioner has not placed any documents that respondent Nos.10 to 12 have filed declaration as per the provisions of Act, 1973 and the concerned authorities have determined that they are holding excess land. It further appears that on the one hand the petitioner has not made any effort to seek information from the concerned authorities which is available under Right to Information Act, 2005 as to whether respondent Nos.10 to 12 are holding excess land or not after the Act, 1973 came into force, on the other hand, he has simply made an allegation that in spite of repeated representations submitted by him to respondent Nos.1 to 9 they have not taken any steps against respondent Nos.10 to 12 and the relief sought by the petitioner does not come within the purview of the Public Interest Litigation.

8. For the foregoing reasons, we do not find any ground in the writ petition (PIL) to exercise the powers conferred under Article 226 of the Constitution of India and the same is liable to be dismissed. The office objection is sustained.

9. Accordingly, the writ petition (PIL) is dismissed. No costs.

Miscellaneous applications, pending, if any, in this petition, shall stand dismissed.

//TRUE COPY//

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR
SECTION OFFICER

To

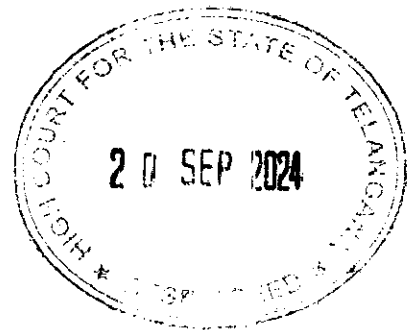
1. One CC to SRI V.KRISHNA SWAROOP, Advocate [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

BSR
BS



HIGH COURT

DATED: 20/09/2024



ORDER

WP(PIL)(SR).No.48499 of 2023

**DISMISSING THE W.P.(PIL)(SR),
WITHOUT COSTS**

⑧

20/09/24
b/s