

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

**WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

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

WRIT PETITION NO: 7683 OF 2010

Between:

P.Maqqdoom Khan, S/o. Arif Khan, Aged about 50 years, Occ: Business and Agriculture R/o. Kolhari Village, Bazarthanoor Mandal, Adilabad District

...PETITIONER

AND

1. The District Collector, Adilabad, Adilabad District
2. The Tahsildar, Bazarthathnoor Mandal, Adilabad District
3. The Mandal Revenue Inspector - I, Bazarthathnoor Mandal, Adilabad District
4. The Divsional Forest Officer, Adilabad, Adilabad 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 a writ of Mandamus declaring the notice issued by the 3rd respondent dated 17.3.2010 by invoking the provisions of A.P.Non Agricultural Lands Assessment Act,1963 with regard to the BLT Unit No.216 -Boath,adilabad District in directing to pay the amount for the year 2004 without considering the explanations submitted by the petitioner without having any authority and without giving any opportunity of Personal hearing to the eventhough the A.P.Non-Agricultural Lands Assessment Act,1963 was repealed as illegal,arbitrary,unjust violation of principles of natural justice null and void without jurisdiction and contrary to the provisions of Article 265 of the Constitution of India and set aside the same.

I.A. NO: 1 OF 2010(WPMP. NO: 9857 OF 2010)

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 grant interim stay of all the further proceedings in pursuance of the notice issued by the 3rd respondent dated. 17.3.2010 with regard to BLT Unit No. 216-Boath, Adilabad District.

Counsel for the Petitioner : SRI S.SURENDER REDDY

Counsel for the Respondents No.1to3 : GP FOR REVENUE

Counsel for the Respondent No.4 : GP FOR FORESTS

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 No.7683 of 2010

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. S.Surender Reddy, learned counsel for the petitioner.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondents No.1 to 3.

Mr. E. Poornachander Rao, learned Government Pleader for Forest Department for the respondent No.4.

2. In this writ petition, the petitioner has prayed for the following relief:

“For all the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly a writ of mandamus declaring the notice issuing by the 3rd respondent dated 17.03.2010 by invoking the provisions of A.P.Non Agricultural Lands Assessment Act, 1963, with regard to the BLT Unit No.216 - Boath, Adilabad District, in directing to pay the amount for the year 2004, without considering the explanations submitted by the petitioner, without

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having any authority and without giving any opportunity of personal hearing to the petitioner even though the A.P Non Agricultural Lands Assessment Act, 1963, was repealed as illegal, arbitrary and unjust, violation of principles of natural justice, null and void, without jurisdiction and contrary to the provisions of Article 265 of the Constitution of India and set aside the same in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. In the counter affidavit filed on behalf of the respondent No.4 in paragraph 2 the following averments have been made:

"In reply to the Para No.2 it is submitted that it is a fact that a notice was issued to the petitioner by the Mandal Revenue Inspector, O/o. the Respondent No.3 on 25.04.2007 for recovery of an amount of Rs.756931/- which due to the Forest Department as per the requisition received from the Divisional Forest Officer, Adilabad. Further it is submitted that the Respondent No.(3) has issued notices to the petitioner in a hurried manner on a standard format, generally which is used for recovery of NALA instead of notice under RR Act. The act of the 3rd Respondent was noticed later on and the notice issued to the petitioner was withdrawn by the Respondent No.(2) while issuing instructions to take action in accordance with the RR Act."

4. In view of the stand taken by the respondent No.4 in the counter affidavit, the grievance of the petitioner does not survive for consideration as the notice dated 17.03.2010 has been withdrawn.

5. The issue involved in the writ petition has been rendered academic. Needless to state that the respondents, if so advised, shall be at liberty to proceed against the petitioner under the provisions of the Telangana Recovery Act, 1864.

6. With the aforesaid liberty, the writ petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

//TRUE COPY//

SD/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

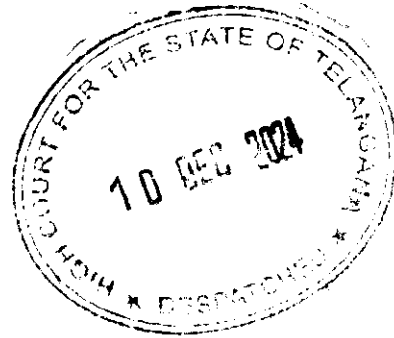
1. The District Collector, Adilabad, Adilabad District
2. The Tahsildar, Bazarhathnoor Mandal, Adilabad District
3. The Mandal REvenue Inspector - I, Bazarhathnoor Mandal, Adilabad District
4. The Divisional Forest Officer, Adilabad, Adilabad District
5. One CC to SRI S.SURENDER REDDY, Advocate. [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. Two CCs to GP FOR FOREST, High Court for the State of Telangana. [OUT]
8. Two CD Copies.

BSK

GJP K.P.

HIGH COURT

DATED:21/08/2024



ORDER

WP.No.7683 of 2010

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**