

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

W.P.NO.4692 OF 2004,
W.P. No. 16678 OF 2014
AND
W.P.NO.19119 OF 2021

W.P.NO.4692 OF 2004**Between:****Smt B.Laxshmi Rajyam**

... Petitioner

And

The Chief Commissioner of Land Admn. And others

... Respondents

W.P. No. 16678 OF 2014**Between:**

Smt B.Lakshmi Rajyam

... Petitioner

AND

Govt. of Telangana rep.by its
Principal Secretary and others

.. Respondents

W.P. No. 19119 OF 2021**Between:**

Smt B.Lakshmi Rajyam

... Petitioner

AND

Govt. of Telangana rep.by its
Principal Secretary and others

.. Respondents

JUDGMENT PRONOUNCED ON: 18.03.2024

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

SUREPALLI NANDA, J

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

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W.P. No. 16678 OF 2014
AND

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< **Gist:**

> Head Note:

? Cases Referred:

1. (2010) 13 SCC 427

HON'BLE MRS JUSTICE SUREPALLI NANDA

W.P.NO.4692 OF 2004,
W.P. No. 16678 OF 2014
AND
W.P.NO.19119 OF 2021

COMMON ORDER:

Heard Mr J.Sudheer, learned counsel appearing on behalf of the petitioner and learned Government Pleader for revenue and also learned Government Pleader for Social Welfare appearing on behalf of respondents.

2. The petitioner Smt B.Lakshmi Rajyam, W/o B.Prakas Rao, correspondent Beulah School, Chitkul, Patancheru (Mandal), Medak District has filed the three writ petitions vide W.P.Nos.4692 of 2004, 16678 of 2014 and 19119 of 2021 seeking respective prayer's.

3. The prayer in W.P.No.4692 of 2004, is as under:

"to issue a writ, order or direction(s) essentially in the nature of Writ of Mandamus directing the respondents to alienate the land to the petitioner herein wherein the petitioner's school and playground is situated to the extent of 35 guntas in Survey No.329/1 situated at Chitkul village, Patancheruvu Mandal, Medak District as

proposed earlier by holding the action of the respondents herein in not allotting the same to the petitioner herein and asking her to give consent for alternate land which is inaccessible and feasible to run a school as bad, illegal, arbitrary, discriminatory and unconstitutional.

4. The prayer in W.P.No.16678 of 2014, is as under:

“to issue a writ, order or Direction(s) more particularly, one in the nature of writ of certiorari and call for the records pertaining to the impugned proceedings Lr.No.B1/1393/2014, dated 30.05.2014, issued by the 7th respondent and set aside the same as bad, illegal, irrational, arbitrary, discriminatory and unconstitutional and violative of principles of natural justice and also violative of the procedure contemplated under Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

5. The prayer in W.P.No.19119 of 2021, is as under:

“to declare the action of the respondents No.7 and 8 working in the capacity of the respondents No.5 and 6 respectively in trespassing to the peaceful possession of the property of the petitioner, which is in her possession since 1986/87 and demolishing the structures such as compound wall and sheets erected by the petitioner to protect from the stray animals to enter into play ground

and also demolishing the backside portion of the church as bad, illegal, unfair and unconstitutional besides being violative of status-quo order dated 12.03.2004 in WP.No.4692 of 2004 and also contrary to the proposal of consideration of the claim of the petitioner for alienation of 2 acres of land situated in Sy.No.329/1 and in utter violation of principles of natural justice and rule of law, amounting to abuse of power and colourable exercise of power and misuse of power and consequently direct the party respondent Nos.7 and 8 to reconstruct the demolished portions in their personal capacity and further direct the State Authorities to take necessary steps/ disciplinary action against the respondent Nos.7 and 8 for acting in utter disregard to rule of law and consequently direct respondent Nos.1 to 4 to consider and pass appropriate orders on the representation / claim of the petitioner for alienation in accordance with law by further holding the action of the respondent Nos.1 to 4 in not doing so as bad, illegal, unfair and unconstitutional by issuance of Writ of Mandamus or to issue a Writ, Order or Direction in the interest of justice."

6. PERUSED THE RECORD

A) The order dated 12th March, 2004 passed in W.P.M.P.No.6143 of 2004 in W.P.No.4692 of 2004, reads as under:

"Status quo as on today with regard to the land in an extent of Ac.0.35 guntas in Survey No.329/1 of Chitkul Village, and the structures therein."

B) The proceedings No.P/915/2000, dated 25.05.2000 of the 5th Respondent addressed to the 4th Respondent in favour of the Petitioner for alienating land to an extent of 35 guntas in Sy.No.329/1 situated in Chitkul Village, Patancheruvu Mandal, Medak District.

"I invite kind attention to the reference 1st cited, through which the Dist. Revenue Officer, Medak at Sangareddy has requested this office to send detailed report in matter through Revenue Divisional Officer, Sangareddy.

In this regard, I am to submit that One Smt. Laxmi Rajya who is running English medium School at Chitkul village has requested the Dist. Collector, Medak to alienate the Govt. land an ext. 0-35 guntas in Sy. No. 329 (P.P.) situated at Chitkul Revenue Village, where she has already constructed the School building, illegally and unauthorisedly.

The same person has already requested the Dist. Collector, Medak for alienation of the land in the year 1995, on which the Dist. Collector, Medak has allotted the site in question including existing English medium school to the Social Welfare Department for the construction of Social Welfare Residential School/College.

As per the above orders the entire land which is under the un-authorised occupation of Smt. Laxmi Rajyam has been handed over to the Social Welfare Department, while directing her to vacate the premises immediately. After taking over possession by the Social welfare authorities, they have constructed Compound wall around the site allotted to them i.e., 20.00 acres including the existing School building. Again Smt. Laxmi Rajyam, has approached the Dist. Collector, Medak requesting re-consideration of the case.

On receipt of the request the Dist. Collector, Medak has issued a memo to her through the ref. 3rd cited, advising her to select any other Govt. land at Chitkul village for the school building and rejected the request for re-consideration of present site in which school is running.

In response to the Memo cited, Smt. Laxmi Rajyam, has given another representation to the Dist. Collector, Medak under a copy of the same to this office, stating that she has selected land in between the Compound wall of the "A.P.RESIDENTIAL SCHOOL AND NIRMITHA KENDRA" and requested for alienation of the same, on prevailing market value. Accordingly A-I Notification, calling claims and objection from the villagers and nearest habitants has been issued vide this office Lr. No.B/1803/95 dated 9-6-97, showing the Sy.No. 329 (Gairan) ext. 0-31 guntas for alienation in favour of English medium School. During the stipulated

period the Executive Officer, G.P. Chitkul has addressed a letter to this office vide his Lr.No.28/97-98/G.Ps dated 26-6-97 stating that the above land is needed for public purpose as such the G.P. authorities refused to give their consent, to alienate the land in favour of English medium, and the detailed report has already been submitted to the Revenue Divisional Officer Sanjareddy while sending the alienation proposals accordingly fixing the rate i.e., Rs. 25-00 per Square yard.

However, I have once again inspected the spot in which the existing school building is running and found that the above school was constructed in the year 1987. Besides this the land allotted to the Social Welfare Department for construction of School/College is more than sufficient.

Therefore, the land allotted to the A.P. Residential School/College purpose may be reduced and restricted to an extent of 20-00 acres for the construction of School/College which is sufficient for their need and an extent of 0-35 guntas may be alienated to Smt. Rajya Laxmi, who is running English medium in the same land on prevailing market value.

Kindly address the Dist. Collector, Medak as desired in the reference 1st cited.

C) Report of the 4th Respondent dated 30.05.2000 vide No.C1/1252/2000 to the Respondent No.2 in

favour of the Petitioner stating that 20 acres would be sufficient for Social Welfare Department Authorities and recommending for alienation of 35 guntas of land in favour of the Petitioner.

"I submit that in the reference 1 cited (copy enclosed), the Mandal Revenue Officer, Patancheru has reported that, one Smt. Laxmi Rajyam who is running English Medium School at Chitkul (v) has requested to alienate the Govt. land to an extent of 0.35 gts in Sy.No. 329 situated at Chitkul where she has already constructed the School building Smt Laxmi Rajyam has already requested to alienate the said land in the year 1995 but the Dist. Collector, Medak has allotted the site in question including existing English Medium School to the Social Welfare Dept. for construction of Social Welfare Residential School. As per the above order, the entire land which is under un-authorized occupation of Smt. Laxmi Rajyam has been handed over to the Social Welfare Dept. while directing Smt. Laxmi Rajyam to vacate the premises. On the representation made by Smt. Laxmi Rajyam on 31-3-2000 before the Collector, Medak the matter has been referred to the Mandal Revenue Officer, Patancheru to enquire and to send report. The Mandal Revenue Officer, Patancheru has submitted proposals for allotment of 0.35 guntas land to Smt. Laxmi Rajyam who is running English Medium School in the same land on prevailing market value and

restricting only 20.00 acres of land to the Andhra Pradesh Residential School/College.

I have also inspected the spot on 26-5-2000. During the inspection, it is revealed that Smt. Laxmi Rajyam has un-authorisedly constructed the English Medium School in the year 1987 and representing number of times to alienate the land on market value.

I, therefore request the Collector, kindly to consider the representation of Smt. Laxmi Rajyam while reducing the restricting the land allotted to Andhra Pradesh Residential School purpose to an extent of 20.00 acres for construction of Shool/College, which is sufficient for their need and an extent of 0.35 gts may be alienated in favour of Smt. Laxmi Rajyam, who is running English Medium School in the same land on prevailing market value.

D) The letter dated 23.02.2001 vide C1/1252/2000 of the 4th Respondent addressed to the 2nd Respondent to alienate an extent of 0.35 guntas in favour of the Petitioner who is running an English Medium School in the same land on collecting prevailing market value restricting the land allotted to A.P. Residential School purpose to an extent of 20 acres.

"I invite kind attention to the reference cited, and submit that I had visited Chitkul Village along with Mandal Revenue Officer on 6-2-2001 and inspected the land bearing Sy.No. 329 to an extent of 0.35 gts approximately. It is revealed that, one Smt. B. Laxmi Rajyam correspondence is occupied and "BEULAH SCHOOL" English Medium running since last 1987, duly constructed pucca building with roof covered by tin sheets, the nature of land is chalka dry and covered by big boulders here and there and uneven fenced.

Further, it is submitted that, on verification of Revenue Records i.e. Faisal Patti for the year 1987-88, an extent of 48.00 acres of assigned land was resumed in Sy.No. 329 PP and recorded as Kharij Khata, Out of which, **the Dist. Collector Medak has allotted an extent of 20.38 gts of land in favour of Social Welfare Dept for construction of Residential School including existing English medium school of Smt. Laxmi Rajyam. The land resumed has not been re-assigned to the Institutions or any others from whom it was resumed. The land exists within the area of 2- 38 acres proposed for alienation in favour of Social Welfare Dept. Further, the Mandal Revenue Officer Patancheru has reported that an extent of 20-00 acres of land is sufficient for construction o Residential School.**

I, therefore, request the Collector Medak kindly to consider the representation of Smt.

Laxmi Rajyam while reducing and restricting the land allotted to AP Residential School purpose to an extent of 20-00 acres, which is sufficient for their need and an extent of 0.35 gts may be alienated in favour of Smt. Laxmi Rajyam who is running English medium school in the same land on collecting prevailing market value.

E) The letter dated 02.06.2001 vide No.E3/8591/98 of the 2nd Respondent addressed to the 4th Respondent to furnish alienation proposals in respect of the subject land and also the details about the market value.

"I invite your attention to the reference cited. I request you to send alienation proposals. You are also requested to send the detailed note on providing market value."

F) Alienations proposals submitted by the Mandal Revenue Officer, Patancheru in favour of the Petitioner herein vide No.B/915/2000, dated 04.09.2001 to the Revenue Divisional Officer, Sanga Reddy in respect of the subject land in issue.

"I invite kind attention to the reference cited, and submit herewith (5) sets of Alienation proposals in respect of the Govt. Land bearing Sy. No.329/1 to an extent of 0.35 gts. situated at Chitkul village of

Patancheru Mandal in favour of Smt. B.Laxmi Rajyam for construction of English Medium School building at Chitkul village.

With regard to fixation of market value it is submitted that the sales statistics of sale lands for the preceding (3) years have been obtained from Sub-Registrar, Sangareddy. I have inspected the proposed land bearing Sy. No.329/1 of Chitkul village which is quite adjacent to land proposed for alienation. According to sales statistics of Sy. No.329/1 the average market value is estimated to be Rs.50/- per Sq. Yard (Rupees Fifty only).

Regarding detailed note on alienation as regard by the Revenue Divisional Officer, Sangareddy it is submitted that total an extent of 20.38 gts. in Sy. No.329/1 Chitkul village has been proposed for allotment of the site in-question including existing English Medium School being run by Smt. B. Laxmi Rajyam and proposals are under consideration in favour of Social Welfare Department. Due to non receipt of consent letter from the said Department the alienation proposals have not been finalised.

However, a detailed report has already been submitted to the Revenue Divisional Officer, Sangareddy in this regard vide reference 2nd cited indicating facts found at the location/spot It was also proposed for reducing restricting the area to

an extent of 20.03 Acres to A.P. Social Welfare Residential School (G) Chitkul which is sufficient for their need and rest of the area of 0.35 gts proposed for alienation to English Medium School.

The following records in (5) sets are submitted herewith for consideration.

- 1 . Conditions of Alienation.
2. A-1 Notification and G.P. Resolution
3. Sketch map
4. Certified copies of Pahani
5. Sales Statistics
6. Inspection note of M.R.O. with brief note
7. Excision statement
8. Questionery

G) The Revenue Divisional Officer, Sanga Reddy in turn forwarding the said proposals in favour of the Petitioner to the Collector, Medak at Sanga Reddy vide C1/1252/2000, dated 05.10.2001.

"I invite kind attention to the reference 7th cited. The Mandal Revenue Officer Patancheru has submitted the alienation proposals in respect of the Govt. land bearing Sy. No. 329/1 to an extent of 0.35 gts situated at Chitkul village of Patancheru Mandal in favour of Smt. B. Laxmi Rajyam for construction of English medium school building at Chitkul Village with regard to fixation of market value, he has obtained sale statistics for the proceeding (3) years from Sub-Registrar Sangareddy. Accordingly to sale statistics, the average market value is estimated to be Rs. 50/- per sq. yard.

Further, the proposed land has also been inspected by me on 06- 02-2001 and detailed report has also been submitted to the Dist. Collector Medak on 23-2-2001. It is submitted that, an extent of 20.38 gts in Sy.No. 329/1 Chitkul Village has been proposed for allotment in favour of AP Social Welfare Residential School Chitkul including existing English medium school being run by Smt. Laxmi Rajyam. The English medium school is running since 1987 duly constructed pucca building with roof covered by tin sheets.

I, therefore, request the Collector Medak kindly to consider the alienation proposals while reducing and restricting the land allotted APRS purpose to an extent 0-35 gts may be alienated in favour of Smt. B. Laxmi Rajyam, who is running English medium school in the same land on collecting prevailing market value i.e. 50/- (Fifty rupees) per sq.yard.

The following documents in four sets are submitted herewith for consideration.

- 1 Condition of alienation.
- 2 A1. Notice
- 3 Sketch map
- 4 CC of Pahari
- 5 Sale statistics
- 6 Exicion statement
- 7 Questionary
- Encl (As above)

H) The Order dated 28.03.2002 passed in W.P.No.24729/2001, reads as under.

“The Court at the admission stage made the following orders:

The Petitioner seeks a direction to the first respondent to alienate the land admeasuring Ac. 0.35 gts. In Sy.No. 329/1 situated at Chitkul village, patancheruvu Mandal, Medak District for the purpose of school she is running in the said land since 1987. Her case is that she requested respondents 3 and 4 to alienate the land for market value, that the Mandal Revenue Officer, Patancheruvu sent proposals to the Revenue Divisional Officer, Sangareddy, informing the estimated value of the land at Rs. 50/- per square yard, that the RDO on 5-10-2001 forwarded the same to the District Collector, Medak and that the District Collector has not yet passed any orders so far.

The proposals of the RDO are dated 5-10-2001 and the writ petition is filed on 30-11-2001. This court is of the opinion that the writ petitioner approached this court in haste without allowing minimum required time for the District Collector to consider the proposals. Be that as it may, it is not denied before me by the learned counsel for the petitioner as well as the Asst. Govt. pleader for Assignments. Sri Narasimha Rao that having regard to the value of the land in question it is not the District Collector, but the Chief Commissioner of Land Administration who is competent to alienate the land for market value. In view of this, the writ prayer cannot be granted. However, the 1st respondent may send the

proposals to the Chief Commissioner of Land Administration, Govt. of Andhra Pradesh within a period of four weeks from the date of a copy of this order.

The writ petition, subject to the above observations, is dismissed. No order as to costs.

I) C.C.L.A.'s reference No.BB4/807/2002, dated 19.09.2002 , reads as under:

"Attention of the Collector, Medak District is invited to the references cited and to inform that the Spl. Chief Secretary to Government and Chief Commissioner of Land Administration, A.P., Hyderabad, is pleased to observe as follows:

" A School with 282 students is running there since 1987 what will you do with it?"

Therefore, the Collector, Medak District is requested to send his report on the observation of the Special Chief Secretary to Government & Chief Commissioner of Land Administration, A.P., Hyderabad, immediately for taking further follow up action in the matter.

J) Letter No.E3/8591/1998, dated 16.08.2003 of the District Collector, Medak informing that CCLA has come to a conclusion to allot alternate land to the Petitioner, reads as under:

"The Chief Commissioner of Land Administration, Hyderabad in the reference 5th cited has informed that the matter was examined and observe that the sketch

reveals that Beulah school has encroached on the land which is frontage of the A.P. Residential School and it is not desirable to have this land alienated to Beulah School as this will reduce frontage of A.P. Residential School which is a govt. land and requested to show some alternative land to Beulah School in any other place or in the North West Corner of land Provided for A.P. Residential School open land, as there appears to be an independent access from a separate road to north West corner of the open land. Therefore, you are requested to look in to matter personally and send alternate proposals as observed by the CCLA with the consent of Smt. Laxmi Rajyam, Correspondent, Beulah School, Chitkul village of Patancheru Mandal

K) Letter Rc.No.Z-VI/0635/98, dated 07.09.2001 of the Secretary, Andhra Pradesh Social Welfare Residential Educational Institution Society, Hyderabad addressed to the District Collector/Chairman, District Welfare Social Welfare Schools Society, Sanga Reddy, Medak District.

"I am to invite kind attention to the reference cited, Sri. Bhoomaiah, Assistant teacher and Social worker has informed that a Private Institution is running in the APSWR School campus.

I, therefore request to kindly see that the Private Institution running in the APSWR school campus be vacated immediately for smooth functioning of the Institution."

L) Proceedings B/915/2000, dated 18.12.2003 of the Mandal Revenue Officer, Patancheru addressed to the Petitioner.

“Smt. Laxmi Rajyam, Correspondent, Beulah School, Chitkul (V) is informed that the Chief Commissioner Land Administration, A.P. Hyderabad has come to a conclusion to allot an alternate land at North West corner of land provided for A.P. residential School open land, as there appears to be an independent access from a separate road to North West corner of the open land.

Hence she is advised to give consent immediately to send alternate proposals as per the instructions of the Chief Commissioner Land Administration, Hyderabad.”

M) Paras 4, 5 and 6 of the Counter affidavit filed by the Respondents in W.P.No.4692 of 2004, reads as under:

4. It is further submitted that it is true that on representation of the Petitioner, proposals were submitted for alienation of land to an extent of Ac. 0. 38 guntas in above S.No. 329/1 of Chitkul Village. However, one Sri Bhoomaiah, Asst. Teacher and Social Worker made a representation to the Government not to allow a private institution in the premises of Residential School of Girls, as it would hamper the atmosphere in the Girls Residential School. The Principal of the Residential School has also represented the threat posed by permitting a private institution in the Residential School exclusively meant for girls. For the reasons stated supra, the 3rd Respondent has rightly rejected the representation of the Petitioner to allot the Government land for a private institution.

5 In reply to paras 7 to 12, It is submitted that it is true that the Petitioner has filed Writ Petition No. 24729/2001 seeking a direction to the Respondents not to demolish the Petitioner's school and for a direction to the Respondents to alienate the land on payment of market value. The Hon'ble Court disposed of the same by directing the 2nd Respondent to send proposals to the Respondent No. 1 for appropriate action Pursuant to the said orders the 2nd Respondent PRIC CH report to the 1^a Respondent. **The 1st Respondent has examined and he held that it is not desirable to have this land alienated to the Petitioner as the alienation in favour of the Petitioner will reduce frontage of A.P.Residential School and requested the 2nd Respondent to allot some alternative land to the Petitioner in any other place or in the North West Corner of land as there is an independent access from a separate road to North West Corner of the open land from the surrounding villages.** (The copy of location map showing the North- West Corner and its independent access from a separate Road to North West Corner is filed herewith as Annexure No. 1). Accordingly the Petitioner has been advised to accept the alternative land to an extent of Ac. 0.35 guntas in the very same survey number, but the Petitioner has not accepted the same and straight away approached this Hon'ble Court and filed the present Writ Petition with false averments.

6. It is submitted that the Petitioner's school is now located in Chitkul Village from a road leading to N.H. 9. **It is not desirable to have a school to the road side in the interest of the children's safety as the vehicle movement is frequent.** The allegation that the said Bhoomaiah, who has developed hatred towards the Petitioner is coming in the way to sanction the land for the purpose of the Petitioner's school is incorrect. The land sought by the Petitioner is denied keeping in view the public interest at large. The Petitioner is an encroacher of the Government land and being an encroacher he cannot insist for a particular piece of land, which is meant for public purpose. The Respondents are ready and willing to allot from the surrounding villages.

The writ petition is devoid merits and is liable to be dismissed.

**N) Order impugned dated 30.05.2014 in
W.P.No.16678/2014 issued by the Tahsildar,
Patancheru Mandal, vide letter No.B1/1393/ 2014,
reads as under:**

FORM C

From of notice under sub-section (1) of Section 6 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971

To,

Smt. Lakshmi Rajyam,
Principal Buala School,
Chitkul,
Patancheru Mandal

Whereas, on the Govt. Land you are evicted from the public premises described in the Schedule below which was unauthorized Occupied by you:

Now therefore, in exercise of the powers conferred on me by sub-section (1) of Section 6 of the act, I hereby give you notice that after seven days of the service of this notice on you, any property remaining on the said premises shall be liable to be removed or disposed by public auction, in case you desire to take possession of your property and to remove the same from the said premises, you will be permitted to do so on written authority from the undersigned provided any arrears of rent/damage/costs due from you are paid with in the said period of seven days.

S.No.	Name of the village	Sy.No.	Extent	Nature of Encroachment
01.	Chitkul	329	0.05gts	Illegal Encroachment and construction of shed

O) The Counter affidavit filed by the Respondents in

W.P.No.16678 of 2014 paragraph No.2, reads as under :

" 2) In reply to Para No.2, it is to submit that the land bearing Sy.No. 329/1 situated at Chitkul Village is a Government land. The writ petitioner has encroached land to an extent of Ac. 0.35 gts of valuable Government land and constructed sheds. Further, it is that, the writ petitioner is running a private school by name and style of Buela School without obtaining any prior permission from the competent authorities. **The writ petitioner has made a representation for alienation of said encroached land for the purpose of establishment of private school on payment of market value.** Further, it is to submit that, earlier there is an extent of Ac. 20.38 gts of Government land in Sy.No. 329/1 situated at Chitkul Village, Patancheru Mandal, Sangareddy District has been proposed in favour of Social Welfare Department for the construction of Government residential (SC) Girls School and the possession of the subject land was handed over in favour of the requisition department and in which writ petitioner have encroached to an extent of Ac. 0.38 gts of land constructed sheds without obtaining prior permission from the competent authorities and offering communal prayers in the subject land to grab the valuable Government land.

P) The counter affidavit filed by the 5th Respondent in

WP No.19119 of 2021 – Paras 3 and 7, reads as follows:

"3. I respectfully submit that the land to an extent of Ac. 146-02 Gts., in Sy.No.329, situated at Chitkul Village is classified as "Gairan" (Government Land). The petitioner, claiming to be a Correspondent of Beulah School, submitted an application on 08-05-1995, on the file of the District Collector, to allot the Government land on market value alleging to be purchaser of assigned land. Acting on said representation, the 4th respondent herein submitted proposals vide Letter No. B/1803/1995, dated 04.07.1995 to allot the land to an extent of Ac. 0-31 Gts. Even before finalization of said proposal, the Government, with a laudable object to improve education qualities of the rural people, allotted the land to an extent of Ac.20-38 Gts. to the A.P. State Social Welfare Residential School/College, Chitkul, and granted necessary budget sanction for construction of compound wall and school buildings. Since the land allotted to the residential schools and the same is catering the needs of socially and educationally backward class community of Society, and the petitioner's request for allotment of land for construction of school was rejected by the District Collector vide Procgs.No: B3/5006/1995 dated: 27.03.1996. The petitioner, again, submitted another representation on the file of the 4th respondent to reconsider for allotment of land to an extent of Ac.0-35 Gts. in Sy.No.329/1, and the said proposal was forwarded by the 2nd respondent to 4th respondent by D.O. Letter No. B/5006/1995 dated: 04.09.1996 and the

4th respondent, vide Letter No. C1/1252/2000 dated: 05.10.2001 again submitted fresh proposals. The 3rd respondent, after considering the entire material and also the proposals submitted by the 4th respondent dated 04-06-2001, has rejected the allotment of land in favour of the petitioner vide Lr.No. E3/8591/1998, dated 24-11-2001. In pursuance of the said proceedings, the Revenue Divisional Officer, vide Letter No. C1/1252/2000, dated 05-10-2001 directed this respondent office to evict the petitioner from unauthorized occupation of Government land. The petitioner, questioning the action of the respondents No.2 to 4 herein seeking to evict the petitioner from illegal occupation of the Government land, has filed a W.P.No.24729 of 2001 seeking a direction to allot the land to an extent of Ac.0-35 Gts. in Sy.No. 329/1 as per the proposals submitted by the 3rd respondent dated 05-10-2001. This Hon'ble Court initially granted stay of demolition, and subsequently, after hearing the matter, was pleased to dismiss the writ petition on 28-02-2002 directing the 3rd respondent herein to forward the proposal of alienation to the 2nd responded herein.

7. I respectfully submit that this respondent, in strict compliance with the status-quo orders granted by of this Hon'ble Court, has not allowed any sort of constructions to encroach the additional extent of land forming part of Sy.No.329/1. The petitioner, to grab the further extent of land and to bring the said land within the fold of

litigation, with a malafide intention, claiming that the representations are pending with the authorities, is making frequent attempts taking advantage of huge gatherings on prayer days, and threatening the officials of this respondent in protecting the Government land, as such, the petitioner not deserves any consideration and the writ petition filed and framed is misconceived and the same is liable to be dismissed with exemplary costs. Further, the petitioner himself admitted that she is the encroacher of the Government land and also made an application for regularization of the same duly admitting the title of the Government, and the present writ petition is not filed in the name of the School, but it is in the individual capacity as correspondent of the School, as such, the writ petition is not maintainable at the instance of an encroacher of public property, and not entitled to seek any relief in extraordinary jurisdiction under Article 226 of the Constitution of India. I am reserving my right to file a detailed / additional affidavit as and when necessary after obtaining permission from this Hon'ble Court.

Q) Memo No.12181/ASSN-IV/A2/2019-1, dated 29.06.2019, reads as under:

"Sub: Lands – Sangareddy District – Representation – Request for alienation of Govt.land to an extent of Ac.1.20 gts situated in SY.No.329/1, Chitkul Village, Patancheru Mandal, for establishment of Beulah English Medium School being running from 1986 – sent – necessary action – req.

Ref: Representation of Smt B.Lakshmi Rajyam, Correspondent, Beulah English Medium School, Chitkul Village, Patancheru Mandal, Sanga Reddy District, dated 21.06.2019.

A copy of the reference cited together with its enclosures is herewith sent to the Collector, Sanga reddy District and he is requested to take necessary action in the matter, as per rules in force.

7. The case of the petitioner, in brief, as per the averments made in the affidavit filed in support of the above three writ petitions, is as under:

a) The petitioner herein established an English Medium school in the year 1987 at Chitkul Village, Patancheruvu Mandal, Medak District, which is recognized by the State Government and the said school building with its play ground is admeasuring to an extent of 0.35 guntas in Survey No.329/1 situated at Chitkul Village, Patancheruvu Mandal, Medak District. Since the school is situated in the Government land, the petitioner herein submitted a representation to the 5th respondent for the purpose of alienation in petitioner's favour in 1994 and again reminded the said request to the 5th Respondent and the 5th Respondent through

proceedings dated 25.05.2000 sent proposal/report to the Respondent No.4 in favour of the Petitioner for alienating land to an extent of 35 guntas in Survey No.329/1 situated at Chitkul Village, Patancheruvu Mandal, Medak District.

b) It is further the case of the Petitioner that the Respondent No.4 inspected the spot and submitted a report on 30.05.2000 to the Respondent No.2 in favour of the Petitioner and stated that 20 acres would be sufficient for Social Welfare Department authority and recommended alienation of 0.35 guntas of land in favour of the Petitioner. The same was reiterated by Respondent No.4 in letter dated 23.03.2001 addressed to the Respondent No.2 and the Respondent No.2 through his letter dated 20.03.2001 requested the Petitioner herein to submit certain documents pertaining to the permission of the school and the period since the school had been running in Ac.0.35 gts., in Sy.No.329/1 of Chitkul Village of Patancheru Mandal and the Petitioner accordingly submitted the same. The Respondent No.2 through his letter dated

02.06.2001 directed the Respondent No.4 to furnish alienation proposals and in turn the Respondent No.4 requested the 5th Respondent to furnish the said particulars and the Respondent No.5 through his proceedings dated 04.09.2001 wrote to the Respondent No.4 by furnishing all the documents, reports and proposals. The Respondent No.4 in turn submitted the said proposals to the Respondent No.2 through his letter dated 05.10.2001.

c) It is further the case of the Petitioner that when there was threat of demolition of school building the Petitioner approached the Court by filing W.P.No.24729/2001 and though initially on 30.11.2001 the Court directed stay of demolition of structure in Sy.No.329/1, Chitkul Village, Patancheru Mandal, Medak District, the W.P.No.24729/2001 was however was dismissed directing the District Collector, Medak District at Sanga Reddy to send the proposals to the Chief Commissioner of Land Administration, Government of Andhra Pradesh within a period of 4 weeks from the date of receipt of the copy of the order.

d) It is further the case of the Petitioner that the Respondent No.1 through his letter dated 19.09.2002 addressed to the Respondent No.2 sought for report as to what action is to be taken when the Petitioner's school with 282 students had been running in the subject land since 1987. The Collector Medak District in turn acting upon the letters of the CCLA addressed to him vide letters dated 10.02.2003 requested the Petitioner to give consent for alienation of alternate land in Sy.No.329/1 and vide letter dated 16.08.2003 the District Collector, Medak requested the Mandal Revenue Officer, Patancheru to send alternative proposals showing alternative land to the Petitioner, with the consent of the Petitioner for conclusion of alienation proceedings in favour of the Petitioner. The Petitioner vide a detailed representation dated 25.09.2003 addressed to the District Collector, Medak, Sangareddy requested to reconsider Petitioner's request on sympathetic grounds and alienate the land to an extent of 0.35 guntas in Sy.No.329/1 which is genuine for the welfare of the school children and vide

Proceedings dated 18.12.2003 vide No.B/915/2000, the Petitioner was informed to give consent immediately to send alternate proposals as per the instructions of the Chief Commissioner Land Administration, Hyderabad.

e) It is further the case of the Petitioner that inspite of the orders of Status quo dated 12.03.2004 passed in WPMP No.6143/2004 in WP No.4692/2004 with regard to the land to an extent of Ac.0.35 gts in Survey No.329/1 of Chitkul Village and the structures therein being force in favour the Petitioner, the notice dated 30.05.2014 vide Letter No.B1/1393/2014, was issued by the Tahsildar, Patancheru Mandal, under Sub-section 1 of Section 6 of Public Premises (Eviction of Unauthorised Occupants) Act, 1961, informing the Petitioner that the Petitioner had been evicted from the subject premises that is land to an extent of Ac.0.35 gts in Survey No.329/1 of Chitkul Village. Aggrieved by the said proceedings of the Tahsildar, Patancheru Mandal, dated 30.05.2015 Petitioner filed W.P.No.16678/2014.

f) It is further the case of the Petitioner that the report of the RDO, dated 03.10.2007 addressed to the District Collector, Medak, clearly brings on record the fact that the Petitioner is running the English Medium School duly occupying an extent of Ac.2.00 and constructed a compound wall and one pucca shed for running the school and that alienation proposals had already been submitted for alienation of land to an extent of Ac.0.35 gts., in Survey No.329/1 of Chitkul Village in favour of the Petitioner. While so, Crime No.297/2014 was registered against the Petitioner at the behest of one Sri K. Venkat Reddy, the then Tahsildar, Patancheru Mandal in Patancheru Police Station on the ground that Petitioner indulged in land grabbing of the government land. Aggrieved by the same Petitioner filed W.P.No.19344/2014 seeking to quash/set aside FIR No.297/2014 of Patancheru Police, the then Medak District and the Petitioner obtained stay of investigation against the Petitioner in pursuance to Crime No.297/2014 vide order dated 11.07.2014 and the same is in force as on date and the said writ petition

is still pending final adjudication on the file of the Hon'ble Court. Likewise, the interim orders passed in favour of Petitioner in WPMP No.6143/2004 dated 12.03.2004 in W.P.No.4692/2004 are also in force as on date.

g) It is further the case of the Petitioner that at the instance of Social Welfare School Parents Association and the Principal, the compound wall of the school was demolished and the Petitioner gave a criminal complaint which was registered as FIR No.329/2019 in Patancheru Police Station, and when no action is taken inspite of the representation of the Petitioner to all the authorities concerned, the Petitioner filed W.P.No.2821 of 2020 to take action against the perpetrators and sought for direction to Police to investigate against the culprits, but however, no action had been taken by the Police personnel on the said complaint of the petitioner.

h) It is further the case of the Petitioner that in response to G.O.Ms.No.59, dated 30.12.2014 issued by the Government of Telangana with regard to

regularization, the petitioner submitted an application in January 2015 seeking regularization contending that the Petitioner is running a school from 1986 in government land to an extent of Ac.1.20 gts in Survey No.329/1 of Chitkul Village, Patancheru Mandal. The District Collector, Sangareddy endorsed the said fact vide Endorsement Letter No.E3/22/2015, dated 16.01.2015.

i) It is further the case of the Petitioner that petitioner submitted representation dated 21.06.2019 to the Principal Secretary to Revenue Department stating that steps have already been taken by the Petitioner by paying the relevant fee vide D.D.No.951684477, dated 31.01.2015 as per G.O.Ms.No.59, dated 30.12.2014 and though the government on receipt of the said representation dated 21.06.2019 of the Petitioner addressed to the Collector and CCLA vide Memo Dated 29.06.2019 to take necessary action in the matter as per the rules in force with regard to alienation of the petitioner no action has been initiated in that regard since then. On 05.08.2021

the 7th and 8th Respondents in the capacity of 5th and 6th Respondents entered the premises of the Petitioner (Ac.2.00) forcefully along with Police constables and Revenue personnel and contemplated to demolish the compound wall which is part and parcel of 35 guntas and also a portion of the Church in the subject premises without even respecting the gender of the Petitioner in clear violation of rule of law, without notice to the Petitioner, without jurisdiction, in clear violation of principles of natural justice, the Petitioner approached the court by filing W.P.No.19119/2021 with prayers as referred to as above.

DISCUSSION AND CONCLUSION :

8. A bare perusal of the material documents filed by the Petitioner in support of the present 3 Writ Petitions (referred to and extracted above) in particular

(a) Proceedings No.B/915/2000, dated 21.05.2000 of the Mandal Revenue Officer, Patancheruvu addressed to the Revenue Divisional Officer, Sangareddy.

(b) Report of the 4th Respondent dated 30.05.2000 vide No.C1/1252/2000 addressed to the Respondent No.2 in favour of the Petitioner .

(c) The letter dated 23.02.2001 vide C1/1252/2000 of the 4th Respondent addressed to the 2nd Respondent.

(d) The letter dated 02.06.2001 vide No.E3/8591/98 of the 2nd Respondent addressed to the 4th Respondent.

(e) Alienations proposals submitted by the Mandal Revenue Officer, Patancheru in favour of the Petitioner herein vide No.B/915/2000, dated 04.09.2001 to the Revenue Divisional Officer, Sanga Reddy.

(f) The Revenue Divisional Officer, Sanga Reddy in turn forwarding the said proposals in favour of the Petitioner to the Collector, Medak at Sanga Reddy vide C1/1252/2000, dated 05.10.2001.

(g) C.C.L.A.'s reference No.BB4/807/2002, dated 19.09.2002.

(h) Memo No.12181/ASSN-IV/A2/2019-1, dated 29.06.2019.

9. Clearly indicates that as borne on record proposals had been submitted recommending Petitioner's case for allotment of land to an extent of Ac.0.35 gts., on collecting prevailing market value it is only at the instance of one Sri Bhoomaiah, Assistant Teacher and Social Worker who vide representation dated 06.08.2001 addressed to the District Collector, Medak had informed that a private Institution is running in the APSWR School campus and further requested to see that the private institution running APSWR School campus be vacated immediately for smooth functioning of the Institution. At the instance of said Sri Bhoomaiah the earlier recommendations in favour of the Petitioner vide various references/reports/letters No.B/915/2000 dated 25.05.2000, No.C1/1252/2000, dated 30.05.2000, C1/1252/2000, dated 23.02.2001, No.E3/8591/98, dated 02.06.2001, No.B/915/2000, dated 04.09.2001, No.C1/1252/2000, dated 05.10.2001, CCLA's ref. No.BVIV/807/2002, dated

19.09.2002, had been curiously negatived and proceedings No.E3/8591/1998, dated 10.02.2003 and Letter No.E3/8591/1998, dated 16.08.2003, No.B/915/2000, dated 18.12.2003, had been issued to the Petitioner calling upon the Petitioner to give consent to send alternate proposals instead of land to an extent of Ac.0.35 gts., in Sy.No.329/1 of Chitkul Village, Pantancheruvu Mandal, Medak District, in favour of the Petitioner herein, though this Court duly considering the entire correspondence borne on record in favour of the Petitioner in its orders way back on 28.03.2002 in W.P.No.24729/2001 observed that the 1st Respondent may send the proposals to the Chief Commissioner of Land Administration, Government of Andhra Pradesh within 4 weeks from the date of receipt of the copy of the said order.

10. A bare perusal of the relevant paragraphs of the counter affidavits filed in WP No.4692/2004, 16678/2014 and W.P.No.19119/2021 referred to and extracted above clearly indicate that on the ground that the alienation proposals initially proposed in favour of

the Petitioner would reduce the frontage of A.P. Residential School building the application of the Petitioner had been rejected by the 1st respondent with a direction to the 2nd respondent to submit fresh alternative proposals as observed at para 4 of the counter affidavit filed by the 5th Respondent in W.P.No.19119/2021 and also at para 5 of the counter affidavit filed by the Respondents in W.P.No.4692/2004 and the said plea according to the firm opinion of this Court is totally contrary to the stand taken by the Revenue Officials in their letters dated 25.05.2000, 30.05.2000, 23.02.2001, 02.06.2001, 04.09.2001, 05.10.2001, which clearly indicated for consideration of Petitioners representation while reducing and restricting the land allotted to A.P. Residential School purpose to an extent of 20.00 acres with a further clear observation holding that the same would be sufficient for the purpose of A.P. Residential School and an extent of Ac.0.35 gts., may be alienated in favour of the Petitioner who is running English Medium School in the same land on collecting prevailing market value.

11. This court opines that the stand of the Revenue officials in favour of the petitioner had changed only in pursuance to the representation dated 06.08.2001 of one said Bhoomaiah, Assistant Teacher, Social Worker, addressed to the District Collector, Medak, admittedly due to extraneous considerations and for erroneous reasons without any justification ignoring the clear observation of the office of the Chief Commissioner of Land Administration, A.P., Hyderabad, vide CCLA's reference No.BB4/807/2002, dated 19.09.2002 which clearly held and observed that a school with 282 students had been running there in the subject land since 1987.

12. Taking into consideration the aforesaid facts and circumstances of the case this Court opines that in so far as prayer in W.P.No.4692 of 2004 is concerned the Writ Petition is allowed directing the Respondents to consider the request of the Petitioner to alienate the land to the Petitioner herein wherein Petitioner's school and playground is situated to the extent of 35 guntas in Sy.No.329/1 situated at Chitkul Village, Patancheruvu

Mandal, Medak District, as proposed earlier vide letters/reports of the Respondents herein No.B/915/2000 dated 25.05.2000, No.C1/1252/2000, dated 30.05.2000, C1/1252/2000, dated 23.02.2001, No.E3/8591/98, dated 02.06.2001, No.B/915/2000, dated 04.09.2001, No.C1/1252/2000, dated 05.10.2001, CCLA's ref. No.BV4/807/2002, dated 19.09.2002, and pass appropriate orders on representation of the Petitioner dated 21.06.2019 as forwarded to the Collector, Sangareddy District, by the Additional Secretary to Government, Revenue (ASSN.IV) Department, Government of Telangana vide its Memo No.12181/Assn.IV/2019-1, dated 29.06.2019 for alienation of government land to an extent of Ac.1.20 gts., in Sy.No.329/1, Chitkul Village, Patancheruvu Mandal, Sangareddy District, within a period of 4 weeks from the date of receipt of the copy of the order in accordance to law in conformity with principles of natural justice duly taking into consideration the reports/letters No.B/915/2000 dated 25.05.2000, No.C1/1252/2000, dated 30.05.2000,

C1/1252/2000, dated 23.02.2001, No.E3/8591/98, dated 02.06.2001, No.B/915/2000, dated 04.09.2001, No.C1/1252/2000, dated 05.10.2001, CCLA's ref. No.BV4/807/2002, dated 19.09.2002, of the Official Respondents herein in favour of the Petitioner recommending alienation of the subject land in favour of the Petitioner and duly communicate the decision to the Petitioner. The interim orders granted by this Court dated 12.03.2004 in WPMP No.6143 of 2004 in WP No.4692 of 2004, of Status quo as on today with regard to the land to an extent of Ac.0.35 gts in Survey No.329/1 of Chitkul Village and the structures therein shall continue to remain in force till the above exercise as stipulated by this Court is initiated and concluded by passing appropriate orders within the time stipulated by this Court and duly intimated to the Petitioner.

13. In so far as grant of prayer in W.P.No.16678 of 2014 is concerned this Court taking into consideration of the above said facts and circumstances of the case and material on record is of the firm opinion that the impugned proceedings dated 30.05.2014 is in clear

violation of principles of natural justice and it is in fact not a notice but a specific order of eviction passed against the Petitioner giving 7 days time to the Petitioner to remove the structures which amounts to taking a decision even before giving notice to the Petitioner which is impermissible in law.

14. The Apex Court in the Judgment reported in (2010) 13 SCC 427 in Oryx Fisheries Pvt., Ltd., Vs. Union of India & Others, in its Head note duly referring to the relevant paras of the said judgment, observed as under :

“It is well settled that a quasi-judicial authority, while acting in exercise of its Statutory power must act fairly and must act with an open mind while initiating a show-cause proceeding. A show-cause proceeding is meant to give the person proceeded against a reasonable opportunity of making his objection against the proposed charges indicated in the notice. (Para 24).

At the stage of show-cause, the person proceeded against must be told the charges against him so that he can take his defence and prove his innocence. At that stage the authority issuing the charge-sheet, cannot, instead of telling him the charges, confront him with definite conclusions of his alleged guilt. If that is done, as

has been done in the present case, the entire proceeding initiated by the show-cause notice gets vitiated by unfairness and bias and the subsequent proceedings become an idle ceremony. (Para 27)

Justice is rooted in confidence and justice is the goal of a quasi-judicial proceeding also. If the functioning of a quasi-judicial authority has to inspire confidence in the minds of those subjected to its jurisdiction, such authority must act with utmost fairness. Its fairness is obviously to be manifested by the language in which charges are couched and conveyed to the person proceeded against.

In the present case, from the show-cause notice it is clear that the third respondent, Deputy Director, MPEDA HAS demonstrated a totally closed mind at the stage of show-cause notice itself. Such a closed mind is inconsistent with the scheme of Rule 43 of the MPEDA Rules. (Para 29).

It is true that the show-cause notice cannot be read hyper technically and it is well settled that it is to be read reasonably. But, while reading a show-cause notice the person who is subject to it must get an impression that he will get an effective opportunity to rebut the allegations contained in the show-cause notice and prove his innocence. If on a reasonable reading of a show-cause notice a person of ordinary prudence gets the feeling that his reply to the show-cause notice will

be an empty ceremony and he will merely knock his head against the impenetrable wall of prejudged opinion, such a show-cause notice does not commence a fair procedure especially when it is issued in a quasi-judicial proceeding under a statutory regulation which promises to give the person proceeded against a reasonable opportunity of defence. (para 31)

Therefore, while issuing a show-cause notice, the authorities must take care to manifestly keep an open mind as they are to act fairly in adjudging the guilt or otherwise of the person proceeded against and specially when the authority has the power to take a punitive step against the person after giving him a show- cause notice. (para 32)

The principle that justice must not only be done but it must eminently appear to be done as well is equally applicable to quasi-judicial proceeding if such a proceeding has to inspire confidence in the mind of those who are subject to it. (para 33)"

15. Taking into consideration the law laid down by the Apex Court in the Judgment reported in (2010) 13 SCC 427 in Oryx Fisheries Pvt., Ltd., Vs. Union of India & Others the order impugned in WP No.16678 of 2014, dated 30.05.2013 issued by the 7th Respondent vide

impugned proceedings letter No.B1/1393/2014, is set aside declaring the same as illegal, irrational, unconstitutional and violative of principles of natural justice and also violative of the procedure contemplated under Public Premises (Eviction of Unauthorized Occupants) Act, 1971, and accordingly the writ petition is allowed as prayed for.

16. In so far as the multiple prayers sought for by the Petitioner in W.P.No.19119 of 2021 are concerned pertaining to directing the Respondents No.5 to 8 to reconstruct the demolished portions in the land to an extent of 2.00 acres situated in Sy.No.329/1 of Chitkul Village, Patancheruvu Mandal, Sangareddy District and to take necessary steps/disciplinary action against the Respondent No.7 and 8 for acting in utter disregard to rule of law, this Court opines the said prayer cannot be granted under Article 226 of the Constitution of India since disputed questions of facts are involved since at para 6 of the counter affidavit filed by Respondent No.5 in W.P.No.19119 of 2021, it is specifically averred that the Petitioner contrary to the status quo orders of the

Court proceeded with construction of compound wall and the same had been resisted by the Respondents.

17. In so far as the prayer seeking a direction against the Respondents No.1 to 4 to consider and pass appropriate orders on the representation/claim of the Petitioner for alienation of subject land, the Respondents are directed to consider the said issue of alienation of subject land to the Petitioner in Sy.No.329/1 of Chitkul Village, Patancheruvu Mandal, Sangareddy District in accordance to law, duly taking into consideration that the subject school is existing since 1987 with 282 students duly considering the entire reports on record in favour of the Petitioner and pass appropriate orders within 4 weeks from the date of receipt of the copy of the order in conformity with principles of natural justice and duly communicate the decision to the Petitioner.

Miscellaneous petitions, if any, pending shall stand closed.

SUREPALLI NANDA, J

Dated 18.03.2024

Note: L.R. copy to be marked
b/o kvrm