

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 10114 of 2005

Between:

Gottam Venkatamma, W/o.Late Ramadasu,
R/o.Kesamudram village & Mandal, Warangal District.

... PETITIONER

AND

- 1 The Mandal Revenue officer, Kesamudram, Warangal District.
- 2 Bandi Rajani, D/o.Rajaiah,
Sainagar Colony, Bandlaguda, Nagole Village, RR District.
- 3 C.H.Satyanarayana, S/o.Mallaiah,
R/o.Kesamudram, village & Mandal, Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of writ of Mandamus directing the 1st respondent to receive the petition u/s. 7 of the A.P. Occupants of Homesteads (Conferment of Ownership) Act, 1976 and dispose of the same in accordance with the rules and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.RAJESWAR RAO

Counsel for the Respondent No.1: GP FOR REVENUE

The Court at the admission stage made the following :

-

-

-

ORDER:

-

-

The petitioner claims to have been assigned a house site of 175 sq.yards in Sy.No.256 of Kesamudram village and Mandal, Warangal District, vide proceedings dated 25.02.1990, of the Mandal Revenue Officer, first respondent herein. According to her, the second respondent sold part of the said 175 sq.yards, in favour of the third respondent, and the third respondent in turn, is undertaking the construction. The petitioner claims that she submitted a representation under Section 7 of the A.P. Occupants of Homesteads (Conferment of ownership) Act, 1976 (for short "the Act"), for resolution of the dispute between herself and the respondents 2 and 3, and that the first respondent has not taken any steps thereon.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Even according to the petitioner, she was assigned an extent of 175 sq.yards of house site. The provisions of the Act do not apply to the house sites, which are assigned by the authorities concerned. It is only where an individual is in occupation of a homestead, otherwise than through assignment, that the provisions get attracted. The bar against the jurisdiction of the Civil Courts, under Section 11 of the Act, also does not operate in respect of the assigned lands. The petitioner can certainly work out her remedies in an appropriately constituted civil suit.

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out her remedies by filing a suit. There shall be no order as to costs.

29th April 2005

Note: Issue copy by 2.5.2005.

(B/o)

pan

To

1 The Mandal Revenue officer, Kesamudram, Warangal District.

2 Two C.Cs. to the Government Pleader for Revenue,

High Court buildings, Hyderabad (OUT)

3 Two C.D.copies