

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12833 OF 2015

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ORDER:

This writ petition is filed by the petitioner seeking to declare the action of the respondents in not handing over the physical possession of Plot No.14, admeasuring to an extent of Ac.10-00 guntas (dry land) situated in Sy.No.263 of Thumburu Village, Sattupalli Mandal, Khammam District, assigned to her late husband Sri Kolipaka Ramachandra Rao, under the political sufferer quota (Freedom Fighter) as illegal, unlawful and contrary to law and consequently seeking a direction to the respondents to take necessary steps to handover the physical possession of the said land to the petitioner or in alternative provide any other suitable land to the petitioner.

It is the case of the petitioner that her husband viz., late K.Ramachandra Rao was a Freedom Fighter and he offered "Satyagraha" at the call of Hyderabad State Congress at Rebbavaram, on 15.08.1947 and was convicted and sentenced to undergo imprisonment from 15.08.1947 to 22.09.1948, which was evidence from the Political Sufferers' Certificate dated 25.08.1960, as such he was recommended for assignment of Government land in terms of G.O.Ms.No.1110, dated 26.05.1960 by the then General Secretary, District Congress committee and accordingly, the then Tahsildar, Madhira, issued proceedings in Rc.No.D2/9580/60, dated 15.04.1961 assigning an extent of Ac.10-00 guntas of dry land, situated in Sy.No.263 in Thumburu (V), particularly mentioning that physical possession will be given after demarcation of the plot by the Land Records Assistant, Khammam, and subsequently Form "D" Patta was issued along with Memo D.Dis.No.9580/63-64, dated 09.12.1963. It is further submitted that though another certificate dated 07.09.1979 was issued by the then President of the Andhra Pradesh Congress Committee reiterating that late K. Ramachandra Rao was entitled for grant of lands under the Government Scheme, but no action has been taken by the respondents, so far. In the mean time, her husband was granted Freedom Fighter's Pension and

after his death, she has been receiving the same vide PPO No.749/Pol./C. It is further submitted that on the representations dated 12.12.2013 and 13.02.2014 submitted by her, the Tahsildar, Sattupalli issued a Memo dated 13.02.2014 stating that no vacant land is available for assignment. Therefore, she submitted a representation dated 06.03.2014 to the 2nd respondent with a request to allot any alternate land in the event it is not possible to demarcate the land assigned to her late husband. Since there was no response on her representation she gave a reminder representation dated 20.10.2014 to the 2nd respondent vide 'Government of Telangana Parishkruthi', a grievance redressal system ID No.PP-201014-57640, no action has been taken by the respondent authorities till now. Hence, the present Writ Petition.

Heard learned counsel appearing on either side.

A perusal of the record reveals that as per the proceedings in Rc.No.D2/9580/60, dated 15.04.1961 issued by the then Tahsildar, Madhira an extent of Ac.10-00 guntas situated in Sy.No.263 of Thumburu Village, has been assigned to the husband of the petitioner viz., K.Ramachandra Rao under political sufferer quota (Freedom Fighter) stating that physical possession will be given after demarcation of the plot by the Land Records Assistant, Khammam. However, no possession was delivered to her husband. The record further reveals that Freedom Fighter's Pension has also been granted to the late Sri K.Ramachandra Rao, and after his death the same is being continued to the petitioner under P.P.O.No.749/Pol./C, which is evident from the letter of District Treasury Officer, Khammam, vide Lr.No.06/Pen/99, dated 20.02.1999. Further, it is clear from the Memo sent in Rc.No.B/124/2014, dated 13.02.2014 by the 3rd respondent-Tahsildar, Sathupally Mandal, stating that there is no vacant Government Land available in Sy.No.263 of Thumburu Village and earlier so many assignments were made to various persons in Sy.No.263. Therefore, there is no denial of allotment of land an extent of Ac.10-00 gts., in Sy.No.263 of Thumburu Village vide proceedings dated 15.04.1961. Further, in spite of the representations submitted by the petitioner on 06.03.2014 and 20.10.2014 to the 2nd respondent-District Collector, Khammam, for delivery of possession of the allotted land or any alternative land, no action has

been taken so far.

In the facts and circumstances of the case, and considering the age of the petitioner, who is aged about 85 years, it will meet the ends of justice if a direction is given to the respondent authorities, particularly to the 2nd respondent-District Collector, Khammam, to consider and pass appropriate orders on the representations submitted by the petitioner on 06.03.2014 and 20.10.2014 as expeditiously as possible, at any rate, within three months from the date of receipt of the copy of this Order, after affording an opportunity of being heard the petitioner or a representative of the petitioner. The petitioner is permitted to forward a copy of the writ petition along with a certified copy of this order to the 2nd respondent for compliance.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:28.04.2015

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