

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.15742 of 2004

ORDER:

Heard the learned Counsel for the petitioners and the learned Government Pleader for the respondents.

The petitioners claim that they are the absolute owners and possessors of land in Survey Nos.614, 625, 626, 628, 642/1, 643-B, 644, 646, 647, 650, 651, 681 and 643/4 admeasuring Acs.23.04 cents situated at Gaddagundla Rachapalli, Hamlet of Lakkireddypalli, Kadapa District. They claim that the said land is an ancestral land. They have executed a partition deed also on 20.12.2001 partitioning the said property. They came to know that several persons submitted applications before the third respondent for issuance of possession certificates in respect of the above land as per G.O.Ms.No.546, dated 30.06.1997. The petitioners state that the said Government Order lays down the procedure for conducting enquiry for the purpose of issuing possession certificates, but it is silent with regard to the ownership of the lands. However, the revenue authorities have been indiscriminately issuing possession certificates. Challenging the said G.O.Ms.No.546, dated 30.06.1997, the present Writ Petition was filed.

A counter affidavit was filed on behalf of the respondents by the fourth respondent stating that the said Government Order was issued to overcome the legal hurdles to complete documentation and raising equitable mortgage for the loans given to the beneficiaries in respect of "Scattered Housing" and for issuance of patta certificates for the house sites held by the beneficiaries after surrendering the same to the Government. The land in Survey Nos.625, 644, 645 and 646 was not in possession of the petitioners. The land for which the applications for possession certificates were submitted is an extent of Ac.0.27 ½ cents only. Possession certificates were issued to sixteen persons, who were

having possession of the land for long time. They claim that they purchased the said land by way of registered sale deeds. The Rural Water Supply Department had also constructed over head tank in Survey No.625 to cater to the need of drinking water of the villagers. If the petitioners have any grievance or claim over the land, they have to approach the civil Court only.

From the above it is clear that G.O.Ms.No.546, dated 30.06.1997, was issued for issuance of possession certificates in respect of persons who have been in occupation of the land for twelve years. The beneficiaries also claim that they have purchased the land for valuable consideration. The counter affidavit filed by the respondents also disclose that the petitioners earlier filed W.P.No.23235 of 2002 for issuance of patta pass books and this Court disposed of the said Writ Petition with a direction to the petitioners to submit relevant documents before the Mandal Revenue Officer. The Mandal Revenue Officer passed orders on 18.01.2004. The petitioners also filed C.C.No.1432 of 2003 on 07.11.2003 and the said Contempt Case was closed on 22.12.2003 after the respondents filed their counter affidavit. The petitioners again filed W.P.No.15741 of 2004, and the same was disposed of on 02.09.2004 giving liberty to them to approach the Revenue Divisional Officer. The petitioners have not taken any steps. In the absence of any evidence as to the title of the petitioners in respect of the land claimed by them and also in view of the claim made by the beneficiaries that they have purchased the land under registered sale deeds, the petitioners have to approach the competent Civil Court for establishing their right. This Court cannot interdict issuance of possession certificates under G.O.Ms.No.546, dated 30.06.1997.

The Writ Petition is misconceived, and the same is accordingly dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

20.02.2015
vs

(A.RAMALINGESWARA RAO, J)