

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.33098 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader.

Petitioner states that he is a landless poor person and in 1991, he was granted land admeasuring Acs.2.50 cents in Survey No.96 of Goguladinne Village, Markapuram Mandal, Prakasam District, for cultivation. He further states that since then he is in occupation and cultivating the same. The proceeding, dated 30.10.1991 issued by the Mandal Revenue Officer giving permission to the petitioner to cultivate the land in question is filed as Ex.P.1. He also states that on account of his long possession and eligibility for grant of assignment, he is entitled to be granted D-Form patta as well as pattadar passbooks and title deed. He made number of requests to the revenue authorities and ultimately, approached the Andhra Pradesh State Commission for SCs and STs which in turn directed the District Collector, Prakasam, on 21.09.2015 to take appropriate action and submit a report to it. The grievance of the petitioner is that on account of political pressure, attempts are being made to assign the land in question to some other assignees ignoring his claim for being in possession for over 24 years. Therefore, he seeks the relief to declare the grant of land in question to him as an assigned land under Section 2(1) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and for consequential directions.

Learned Government Pleader states that the petitioner was merely given permission to cultivate the land in question and it does not amount to assignment, nor his case was considered for grant of permanent assignment.

It is true that by proceedings, dated 30.10.1991, the Mandal Revenue Officer merely granted permission to the petitioner to cultivate the land in question but the fact remains that the petitioner is stated to be in possession since then i.e. for the last 24 years and claims to be eligible like any other person for assignment. Though main relief sought by the petitioner to convert permission to cultivate the land into the assignment cannot be granted, the petitioner can always seek consideration of his case for grant of assignment on regular basis either in terms of Board Standing Order No.15 or in accordance with the policy of the State Government subject to his satisfying that he is entitled to be considered.

Hence, giving liberty to the petitioner to submit appropriate application before the competent authority seeking assignment of the land in question to him, the writ petition is disposed of. If such an application is made by the petitioner, the fifth respondent shall inform the third respondent in regard thereto and there upon, the third respondent shall direct the application to be placed before the Assignment Committee for consideration and thereafter, direct the authority concerned to pass appropriate orders in accordance with the decision of the Committee.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order as to costs.

VILAS V.AFZULPURKAR, J

8th OCTOBER, 2015.

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