

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD**  
**FOR THE STATE OF TELANGANA AND THE STATE OF**  
**ANDHRA PRADESH**

**WRIT PETITION No. 19491 of 2011**

Between:

K. Nagaraja Rao

.. Petitioner

and

The District Collector, Anantapur  
and others

**.. Respondents**

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

**SUBMITTED FOR APPROVAL:**

-

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

- |                                                                                  |        |
|----------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers<br>may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be<br>marked to Law Reporters/Journals?    | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to<br>see the fair copy of the Judgment? | Yes/No |

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No. 19491 of 2011**

**ORDER:-**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With the consent of both the parties, the main writ petition is heard and disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in allotting the petitioner's land admeasuring Ac.1.00 in Survey No.51-5 situated at Govindapalli Village, B.K. Samudram Mandal, Anantapur District, in favour of the Project Officer, Rajiv Vidya Mission, as illegal and arbitrary.

The case of the petitioner is that being a landless poor, he was granted DKT patta for the land admeasuring Ac.1.50 cents in survey No.51/5/9 situated at Govindapalli Village, B.K. Samudram Mandal, Anantapur District, in the year 2004. It is stated that some persons belonging to C.P.I. attempted to lay huts in the land of the petitioner with the support of the 2<sup>nd</sup> respondent and the 2<sup>nd</sup> respondent is also trying to evict the petitioner without cancelling the patta and also without giving any notice. Then, the petitioner is said to have filed a petition before the 1<sup>st</sup> respondent seeking redressal of his grievance, who in turn referred the matter to the Joint Collector, Anantapur. As there was no response, the petitioner filed W.P.No.3499 of 2011 against the respondents which was closed on 25.02.2011, in view of the representation made by the learned Government Pleader that the

2<sup>nd</sup> respondent is not interfering with the petitioner's possession over the land in question. While things stood thus, the 3<sup>rd</sup> respondent wrote a letter vide Rc.No.230/2011B, dated 09.06.2011 to the 1<sup>st</sup> respondent, recommending that the land admeasuring Ac.1.00 in S.No.51-5 and the land admeasuring Ac.0.50 in S.No.51-8, which was resumed to the Government, was classified as A.W. dry land of B.K. Samudram Village and Mandal and the same may be transferred in favour of the Project Officer, Rajiv Vidya Mission for construction of a building for Kasturiba Gandhi Balika Vidyalayam. At that stage, the present writ petition is filed.

The 3<sup>rd</sup> respondent filed his counter denying the averments made in the writ petition and further stated that the petitioner was assigned land admeasuring Ac.0.96 cents in Survey No.51/10, but not the land admeasuring Ac.1.50 cents in Survey No.51/9. As the petitioner violated the conditions of patta by not bringing the land under cultivation, the then Tahsildar passed orders resuming the land vide Rc.No.B/6/11 dated 04.02.2011 after giving notice to the petitioner. Thereafter, possession of the land was taken over by the Government and now the petitioner is not in possession of the land. It is stated that as the Project Director, RVM, Anantapur, has requisitioned the land admeasuring Ac.1.00 in survey No.51-5 for construction of a building for Kasturiba Gandhi Vidyalayam, proposals for handing over the same were submitted to the 1<sup>st</sup> respondent and the same are pending consideration with the 1<sup>st</sup> respondent. It is also stated that by the time this Court passed orders dated 25.02.2011 in W.P.No.3499 of 2011, the resumption proceedings were issued against the petitioner. In view of the above, he submits that the writ petition is liable to be dismissed.

The material placed before the Court would disclose that the land assigned to the petitioner was resumed vide proceedings in

R.C.No.6/2011/B, dated 04.02.2011, issued by the then Tahsildar, Bukkarayasamudram, Anantapur District, after issuing a notice to the petitioner. The land was resumed on the ground that the petitioner never cultivated the land since the date of assignment. The record also discloses that as on today the petitioner is not in possession of the land. Hence, I see no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to avail the remedy available under law. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in the writ petition shall also stand closed.

---

**C. PRAVEEN KUMAR, J**

27<sup>th</sup> July, 2015  
cbs

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 19491 of 2011

27<sup>th</sup> July, 2015

cbs