

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18296 of 2011

ORDER:

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The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the first respondent in preparing the beneficiaries list in respect of Jangamreddy Palli Village, Tarlupadu Mandal, Prakasham District vide proceedings R.C.B.No.7410, dated 04.06.2011 as illegal, arbitrary and consequently to direct the respondents not to make any assignment of lands in favour of beneficiaries prepared thereunder.

The facts which lead to filing of the writ petition are as under:

The petitioners, who belonged to Scheduled Caste, are resident of Jangamreddy Palli Village, which falls within the panchayat limits of Kalujuvvalapadu, Tarlupadu Mandal. It is averred that in the said village there are about Ac.145.00 of land situated in different survey numbers and about 72 families, who are landless and economically poor along with others belonging to S.C. community have represented to the respondents to assign the above land to them by issuing assignment pattas. It is said that though representations were made on 15.12.2010, 18.12.2010 and 20.12.2010, their requests were not considered though they claimed to be cultivating the land since several years. The averments in the affidavit filed in support of the writ petition further show that the first respondent proposed to hold an assignment committee meeting to approve the beneficiaries list

prepared by the Revenue Divisional Officer. It is said that residents of neighbouring village owing political allegiance to an influence individual of the area and the persons who are already having land are included as beneficiaries for assignment of the land, which is illegal and improper. Challenging the same the present writ petition is filed.

On 01.07.2011 this Court passed the following order.

“It would be appropriate to call for a report from the District Collector, Prakasam, in view of the grave averments contained in the affidavit filed in support of this writ petition.

It is stated that land of an extent of Ac.145.00 belonging to the government, which was at one time banjar land, was available in Jangamreddypalli Village of Tarlupadu Mandal, Prakasam District. It is further averred that there are 72 families belonging to Scheduled Castes in the Village who are all landless poor persons and it is these families who have brought this Ac.145.00 of banjar land into cultivable standard by their hard labour. Presently, they are all cultivating these lands and living on them as it is a permanent source of living. After identifying the eligible beneficiaries, for assigning this land, the Revenue Divisional Officer, Kandukur appears to have prepared a list. In the said list, less than half of the persons have been picked up from the said village and from the above said 72 families. The remaining persons, it is alleged, are all residents of the neighbouring village owing political allegiance to an influential individual of the area.

Therefore, the District Collector is directed to examine the correctness and veracity of these statements. If the Collector finds that the list of eligible persons prepared by the Revenue Divisional Officer, Kandukur is improper, in the sense that eligible residents of the village have been

unauthorisedly omitted, or ineligible persons of any other village are included, he will take appropriate steps for suitably modifying the list.

Let a report be submitted in the matter within a period of six weeks from today.

However, in the meantime, to the extent that there is no controversy with regard to the eligible persons, the Collector would authorize the process of finalizing the assignment in their favour.

Put up after six weeks along with the report of the District Collector for further consideration.”

Pursuant to an order passed by this Court, a letter came to be written by the Collector-cum-District Magistrate, Ongole, to the Registrar, High Court, wherein, while tendering unconditional apology for not complying with the order, sought some time to conduct a detailed enquiry. Thereafter, on 21.08.2015, a report was sent to this Court. The said report discloses that the District Collector directed the second respondent (Revenue Divisional Officer) to verify the veracity of the eligibility list while submitting interim report, dated 16.08.2015. The second respondent inspected the lands in question together with the Tahsildar (first respondent) and his staff on 19.08.2015 and got verified the veracity of beneficiaries. On 22.08.2015, the second respondent submitted a report to the third respondent stating that the lands in question are situated in 34 survey numbers admeasuring Ac.146.19 cents. Out of that, assignment pattas were already granted to an extent of Ac.32.21 cents and an extent of Ac.28.97 cents was classified as “Grazing Ground Poramboke, Road and Village Site Poramboke” which are prohibited for assignment. It is said that an extent of Ac.10.18 cents was earmarked for Pula Subbaiah Velugonda Project Canal and Ac.74.83 cents remained

vacant for issue of assignment pattas to the eligible beneficiaries. The report further discloses that the said land is a vacant land and it is fit for cultivation. It was further reported that as many as 43 persons were found eligible for assignment of pattas.

A list of 43 eligible persons who are entitled for assignment of land is placed before this Court. A perusal of the same would show that all the beneficiaries are resident of Jangamreddy Palli Village and belonged to Scheduled Caste (Madiga). Almost all of them are eking out their livelihood by working either as coolies or agriculture labourers.

In view of the report sent pursuant to the orders of this Court, it cannot be said that the assignment is being made to the persons belonging to neighbouring village or to the persons who are having property. Since the report shows that case of the writ petitioners as well as other villagers were taken into consideration while preparing the list of 43 beneficiaries, the request made by the petitioners for allotment of land to eligible persons has been duly complied with. However, the writ petitioners submits that since the land is still available, representations made by them may be directed to be considered if they are otherwise eligible. It is needless to mention that if the writ petitioners or any of the member of Schedule Caste and resident of Jangamreddy Palli Village are eligible for assignment of land, the authorities shall take all steps to identify such persons and assign the land, in accordance with law, provided the land is available.

With the above direction, the writ petition is disposed of.
No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

08.12.2015
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