

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 10205 of 2011

ORDER:

-

With the consent of both the parties, the main writ petition is disposed of at the admission stage.

Heard learned counsel for the petitioner and Government Pleader for Revenue.

The present writ petition is filed seeking issuance of a writ of mandamus declaring the action of respondent Nos.3 and 4 in resorting to dispossess the petitioner from the land to an extent of Ac.0.30 cents in Sy.No.666/1 situated at Pichinaidupally Village, Chandragiri Mandal, Chittoor District, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of the above land.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioner who is a landless poor person is stated to be in possession of a government poramboke land to an extent of Ac.0.30 cents situated on the northern side of the road leading from Chandragiri to Pitchinaidupally Village. It is stated that the petitioner made an application before respondent No.3 seeking assignment of the said land in his favour. Having considered the request of the petitioner and after following the due procedure contemplated for assigning the lands to the landless poor, respondent No.3 assigned the said land and DKT patta was granted in favour of the petitioner vide DKT No.18/4/1407 dated 10.10.1997. Since then, the petitioner is in possession and enjoyment of the said land without interference from any manner. While things stood thus, respondent No.5 herein also occupied land to an extent of Ac.1.00 on the northern side of the road leading from Chandragiri to Pichinaidupally. In view of the abnormal increase in the land value situated at Chandragiri and surrounding areas, respondent No.5, who

is henchmen of respondent No.4, developed an evil eye on the land assigned to the petitioner. It is stated that respondent No.4 bore grudge against the petitioner on the suspicion that he did not vote for him in Sarpanch elections and influenced respondent No.3 to cancel the DKT patta granted to the petitioner. At the instigation of respondent Nos.4 and 5, respondent No.3 deputed the Village Revenue Officer and prevented the petitioner from cultivating the land. It is said that respondent No.3 is taking steps to evict the petitioner from the land. Aggrieved by the same, the petitioner made a representation before respondent Nos.1 and 2 explaining about the high handed action of respondent Nos.3 and 4 in trying to dispossess the petitioner from the land. As no action is taken the present writ petition is filed.

Respondent No.1 filed counter denying the averments made in the writ petition. It is stated in the counter that the petitioner was never granted DKT patta for an extent of Ac.0.30 cents in Sy.No.666/1 as the land is a Road poramboke. It is stated that during the course of field inspection it was noticed that the petitioner occupied some portion of land in Sy.No.666/2, 4, 7 for which DKT patta was granted in favour of respondent No.5 vide proceedings No.DKT/83/4/96 dated 04.04.1986. It is further stated in the counter that proposals are submitted to the District Collector, Chittoor vide office Roc.No.B/188/2011 dated 08.06.2011 for cancellation of the DKT patta granted in favour of Ugranam Gurava Reddy (respondent No.5) under mistake of facts, for the reason that the subject lands were assigned to him without change of classification from Kalva Poramboke to AWD. It is further stated that there are no entries in the DKT register or assignment file that the land to an extent of Ac.0.30 cents in Sy.No.666/1 was assigned in favour of the petitioner. It is also stated that the DKT patta filed before the Court is a forged one.

Respondent No.5 also filed counter denying the averments made in the writ petition. It is stated in the counter that he was granted DKT patta bearing No.83/4/96 dated 04.11.1986 in respect of the land to an extent of Ac.0.51 cents in Sy.No.661/2, Ac.0.99 cents in Sy.No.666/4 and Ac.0.55 cents in Sy.No.666/7 as he being a landless poor person and belongs to BC community and since then he is in peaceful possession and enjoyment of the said land. It is also stated that the revenue authorities issued pattadar pass book and title deed for the said land.

A perusal of the material on record would show that on 26.04.2011 this Court while issuing notice before admission returnable in eight weeks passed the following order:

“In view of the statement made by the learned Government Pleader, I direct the Mandal Revenue Officer, Chandragiri Mandal, Chittoor District to inspect the land said to be under possession of the petitioner and which is said to be cultivated by him, raising sugarcane crop, within 15 days from the date of receipt of the order. If the writ petitioner is in possession of the land, which is truly assigned to him on 10.10.2007 and he has not encroached upon any other land than Ac.0.30 cents, which was assigned to him, respondent Nos.1 to 4 will not interfere with his possession and they will also take necessary steps to instruct respondent No.5 not to cause any obstruction to the writ petitioner from entering upon his land or cultivating the same. Unfortunately, should there be a finding that the writ petitioner has encroached upon the land of t’

he 5th respondent, which was similarly assigned to him, the writ petitioner shall also be stopped from entering upon the land which is assigned to the 5th respondent and preventing the 5th respondent from cultivating and developing the said land.”“

As stated earlier, the counter which is filed by respondent No.1 shows that the petitioner was never assigned land in Sy.No.666/1. At this stage the Government Pleader for Revenue submits that there is a dispute with regard to the assignment and grant of DKT patta and since the petitioner claims to be himself in possession of the land in Sy.No.666/1 which according to them is a part of road, he submits that a direction may be given to follow due process of law before taking any coercive steps.

Without going into the merits of the case and taking into consideration the representation made, the writ petition is disposed of by directing the respondents not to dispossess the petitioner from land to an extent of Ac.0.30 cents situated in Sy.No.666/1 situated in Pitchinaidupally Village, Chandragiri Mandal, Chittoor District, if the petitioner is in possession of law, without following due process of law. No order as to costs.

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

24.07.2015

gkv