

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 28505 of 2011

DATE: 11.06.2015

Between:

Dusari Ailamma

.. Petitioner

And

The District Collector
and three others
Respondents

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ORDER:-

The petitioner asserts that originally her husband was the owner and possessor of the agricultural land admeasuring Ac.3.00 guntas in Sy.No.11/C situated in Bonguluru village, Ibrahimpatnam Mandal, Ranga Reddy District right from 1970 onwards, and after his demise, the petitioner having succeeded to the property, has been in possession and enjoyment of the same, and the Government issued patta through proceedings dated 26.05.1978, and subsequently, on 24.03.1992, the Mandal Revenue Officer issued mutation proceedings in the name of the petitioner. While so, it is stated that the respondents, without issuing any notice or following the due process of law, tried to dispossess the petitioner from the land with a view to constructing a School building therein. Then, the petitioner made representation dated 18.07.2011 requesting the respondents to take necessary steps for initiation of acquisition proceedings before making any construction in her land. Now, the petitioner's grievance is that the respondents, without considering the representation nor initiating land acquisition proceedings nor following the due process of law, are trying to construct a school building in the land. Hence, the present writ petition is filed seeking appropriate directions.

The 3rd respondent-Tahsildar has filed counter affidavit denying any patta having been granted in favour of either the petitioner's husband or the petitioner. It is stated that from

1973-74 onwards no name was recorded in the revenue records in respect of the scheduled land. It is also denied that assignment patta was granted in favour of either the petitioner or her husband and with regard to the possession, neither the petitioner's name nor her husband's name is incorporated in pahani patrikas and the petitioner has no right over the land in question. However, it is admitted that in the certified copy of 1992-93 pahani of Bonguluru village produced by the petitioner, the name of one D.Ailamma is recorded in Sy.No.11/C and the petitioner was never granted house-site patta in the year 2007 in respect of Ac.3.24 guntas of land. The proceedings in ROR/73/89, dated 24.03.1992 of the recording authority and Laoni Patta No.D2/3221/77 are fictitious and not based on record. No patta certificate is produced by the petitioner.

The learned counsel for the petitioner has contended that in view of the categorical declaration of law by this Court in the case of **Land Acquisition Officer v. Mekala Pandu**^[1], the petitioner is entitled to compensation for acquisition of the land by the Government.

In the case on hand, though the petitioner claims to be in possession of the land since 1972-73 onwards, no material is produced before this Court. Further, there is a categorical denial by the authorities of the said assertion. Pahanis for the year 1992-93 wherein the petitioner claims to be in possession are alleged to be fabricated. It is also the specific assertion of the Tahsildar that there is no documentary proof of the petitioner being in possession in 1992-93, and even after 2007 when she was alleged to have been granted patta, no name

was recorded in respect of the scheduled land and either the petitioner or her husband. Inasmuch as the grant of assignment of land, mutation in favour of the petitioner by 1992 and possession are being disputed, this Court cannot determine the rights of the petitioner.

Hence, this writ petition is devoid of merits and dismissed. However, considering the fact that the petitioner claims to be in possession of the land in question since 1992-1993 and that she was granted house-site patta in 2007, liberty is given to the petitioner to approach competent civil Court seeking to establish her claim and right over the property in question and for suitable compensation in accordance with law. The competent Civil Court shall consider the case uninfluenced by any observation in the present order. No order as to costs.

As a sequel to the dismissal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

11.06.2015
bcj

[\[1\]](#) 2004(2) ALD 451