

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.19913 of 2012

Date: 04-11-2015

Between:

Bheemapuram Nagasubamma

.... Petitioner

AND

The State of Andhra Pradesh, represented by
Its District Collector, YSR Kadapa District and
4 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.19913 of 2012

ORDER:

-

Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue for respondents 1 to 3 and the learned standing counsel for respondents 4 and 5. With the consent of the parties, the writ petition is heard at the stage of admission itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in interfering with the petitioner's right over land admeasuring Ac.4.63 cents in Survey No.60/2 of Kopporthy village fields, C.K. Dinne Mandal, YSR Kadapa District under the guise that the same is taken possession of for the development of Industrial

Estate without following due process of law, as arbitrary and illegal and consequently, to direct the respondents not to interfere with the petitioner's right over the subject land.

The facts leading to filing of the writ petition are that the petitioner claims to have purchased land admeasuring Ac.4.63 cents in Survey No.60/2 of Kopparthy village, C.K. Dinne Mandal, YSR Kadapa District from one Savanthu Hanumantha Rao for a valuable consideration under a registered sale deed dated 10-08-1994 bearing document No.3385/1994 registered in the office of Sub-Registrar, Kapada. Since the date of purchase, the petitioner claims to be in possession and enjoyment of the subject land having been issued pattadar passbook and title deeds in his favour. While the things stood thus, the respondents are alleged to have started interfering with the rights of the petitioner over the subject land on the ground that the said land has been resumed on 20-04-2007 and handed over to respondents 4 and 5 for establishment of an industrial estate. When the petitioner questioned the same, the respondents are alleged to have stated that the subject land is Government land as per RSR register, and hence, the petitioner has no right over the subject land. Challenging the action of the respondents in interfering with the rights of the petitioner over the subject land, the present writ petition came to be filed.

A counter came to be filed by the respondents denying the allegations made in the writ affidavit. It is stated that as per RSR of Koparthy village, the subject land was classified as Government A.W. lands and the same was assigned to the vendor of the petitioner vide DKT patta No.317/79 dated 15-11-1969. It is further stated that since the subject land falls within the purview of the A.P. Assigned Lands (Prevention of Transfer) Act, 1977 and the Amended Act, 2007, notices were issued to both the petitioner and his vendor. Thereafter, the 3rd respondent issued resumption orders vide proceedings Proc.No.B/325/2007, dated 20-04-2007 in respect of the subject land, which was handed over to APIIC. Hence, it is contended that the petitioner has no right over the subject land.

According to the petitioner, there is nothing on record to show that the land, which is subject matter of the present writ petition, was assigned to him. His

case is that since the subject land is a private land being purchased by him from one S. Hanumantha Rao, the respondents have no right to interfere with the same. But, no documentary evidence is placed on record to show that he purchased the same from Hanumantha Rao and he is owner of the land in question. Learned Government Pleader for Revenue produced the original record, which clearly shows the document containing assignment of the land in favour of the vendor of the petitioner i.e. S. Hanumantha Rao and the resumption proceedings bearing No.Proc.No.B/325/2007, dated 20-04-2007. The petitioner ought to have questioned the resumption proceedings instead of filing the present writ petition.

In view of above facts and circumstances, this court is of the view that the contention of the learned counsel for the petitioner that the respondents have no right to interfere with the possession of the petitioner over the subject land cannot be accepted. Hence, I am of the view that there are no merits to entertain the writ petition, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed, leaving it open to the petitioner to challenge the resumption proceedings in Proc.No.B/325/ 2007, dated 20-04-2007. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 04-11-2015

Ksn