

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.13161 of 2004

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for respondents 1 and 2.

The petitioner states that she belongs to Scheduled Caste Community and a permanent resident of Cheemakurthi Village. She occupied an extent of Ac.0.52 cents in survey No.341/1A in the year 1995, and converted the same for agricultural purposes. Since then, she has been cultivating the same; her name was entered in the pahanies from 1410 Fasli and she was also paying tax to the revenue authorities. While so, the 2nd respondent issued a memo, dated 08.07.2004, stating that the 3rd respondent is in possession of the said land and gave instructions to the Village Secretary that the petitioner should not be permitted to enter the land. The petitioner further states that the 3rd respondent is a permanent resident of Burepalli Village of Maddipadu Mandal and she is not a resident of Chandrapadu Village or cultivated the land at any point of time. The 2nd respondent issued the impugned memo, without verifying proper facts. Challenging the same, the present writ petition was filed.

A counter-affidavit is filed by respondents 1 and 2 stating that the present Tahsildar, Chimakurthy inspected the disputed land and another land and found that the disputed land belongs to Smt.Swarna Akkama i.e. the petitioner herein, and another land of Ac.0.56 belongs to Pamula Venkayamma, M/o Smt.Rampathoti Ankamma, W/o Ankama Rao, the 3rd respondent herein. It is submitted that the confusion arose, as the petitioner was not present at the time of inspection. It is reported that the present Tahsildar has identified

the land under dispute and held that the land is in possession and enjoyment of the petitioner. Accordingly her name has been entered in the Adangal as enjoyer in survey No.341/A and they are not disturbing her enjoyment and she will be provided patta, if she is eligible, by following due process of law.

In view of the clarification given by the Tahsildar, Chimakurthy now, and in view of the interim order of suspension granted by this Court on 28.07.2004, while admitting the writ petition, the possession of the petitioner is continued. Hence, the impugned memo, dated 08.07.2004 is set aside.

The writ petition is accordingly allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.02.2015

GJ