

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No.29811 OF 2011**

**ORDER:**

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Heard learned counsel for the petitioner, learned counsel for the unofficial respondents and learned Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of respondents in not conducting enquiry into the irregular assignment of ceiling surplus lands in R.S.No.366/2B2 of Jagareddygudem Village and Mandal of West Godavari District under the A.P.Land Reforms (Ceiling on Agricultural Holdings) Act (for short, 'the Act') and the alienation of assigned land contrary to the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act as illegal and arbitrary and consequently direct respondent Nos.1 to 4 to enquire into the same and take consequential remedial action. Further respondent Nos.2 and 3 were directed to consider the petitioners' representation dated 05.09.2011 made by the petitioners complaining about illegal assignments and alienation of lands in R.S.No.366/2B2 of Jangareddygudem Village and Mandal, West Godavari District.

The case of the petitioner is that one Marna Narsanna, who was a surplus land holder under the Act was having Acs.300 of land in East and West Godavari Districts, including lands in Jangareddygudem Village and Mandal, West Godavari District. He was held to be surplus land holder in LCC No.1118/75/PLV. Some of the ceiling surplus land belonging to the said Narsanna in R.S.No.366/2B2 of Jangareddygudem village was assigned to various persons. Pursuant to the request made by the petitioner under Right to Information Act, it came to his light that the land in R.S.No.366/2B2 admeasuring Acs.4.47 cents was assigned to one Golapalli Prasad and Acs.4.00 of the same survey number was assigned to one Mathangi James Krupadanam, S/o.Yohanu of Jangareddygudem Village, who belongs to Scheduled Caste. It is the case of the petitioner that no such person is existing

in the village and that the names of the pattadar in revenue records are shown as Motamarri Pullarao, Davuluri Bhanupraneeth and Karuthuri Veeravenkata Satyanarayana Murthy (respondent Nos.7 to 9) and not Golapalli Prasad or Mathangi James Krupadanam. It is stated that respondent Nos.7 to 9 are close relatives of respondent Nos.5 and 6, who are alleged to have obtained possession of surplus land on the bogus names. In view of the above, the petitioner requested the Tahsildar, Jangareddygudem to furnish information with regard to date of assignment of the said land and also the extents of land belonging to the said persons. Vide proceedings Roc. No.2/2011(DT), dated 10.05.2011, the Tahsildar stated that concerned file is not traceable and as such could not furnish the date of assignment of ceiling surplus land. Thereafter, the petitioner gave a complaint dated 05.09.2011 to the Revenue Divisional Officer, Jangareddygudem complaining about the connivance act of respondent Nos.5 and 6 with the revenue officials and getting land in RS No.366/2B2 mutated in the names of fictitious persons. It is said that subsequent thereto, the relatives of respondent Nos.5 and 6 purchased the said lands and attempted to sell them to Mandavalli Vijay Saradhi (respondent No.10). The petitioner requested the Revenue Divisional Officer to conduct an enquiry regarding the assignments and alienations of ceiling surplus land in LCC No.1118/75/PLV and distribute the surplus land to the landless poor persons, but in vain. The inaction of the respondents in not considering the representation dated 05.09.2011 made by the petitioner and the manner in which the assigned surplus land was directly assigned, lead to filing of this Writ Petition.

Learned counsel for respondent No.4 filed counter opposing the averments made in the petition. According to him, the land is assigned to ex-service men, who after being in possession, alienated the same in favour of the fifth respondent, which is permissible under G.O.Ms.No.1117 Rev. (Assign-I) Dept., dated 11.11.1993. He further submits that the petition itself is not maintainable on the ground that original assignees were not made parties to the petition.

On 09.11.2011, this Court called for a report from the District Collector, having regard to the allegations of illegal assignments of ceiling surplus land made in Jangareddygudem Village. The R.D.O., after conducting an enquiry,

sent a report to the District Collector, which is placed before this Court. A perusal of the said report would show that in view of G.O.Ms.No.1117, dated 11.11.1993, the ex-service men is permitted to alienate their land after completion of ten years from the date of assignment of the said land. Hence, it was said that the sale made by respondent No.5 was in accordance with the provisions of the said G.O.

Learned counsel for the petitioner submits that in the teeth of Section 14 and 14(4) and (5) of the Act, the report itself is incorrect as the G.O. dated 11.11.1993 will not be applicable to the present case. According to him, the lands which are surplus and allotted are only inheritable, but not alienable.

As seen from the affidavit filed, the request of the petitioner is to declare the action of the respondents in not conducting an enquiry into the assignment of ceiling surplus land, pursuant to a representation made by the petitioner on 05.09.2011.

Therefore, without going into the merits of the case and having regard to the said circumstances of the case, the third respondent is directed to dispose of the representation dated 05.09.2011 made by the petitioner, in accordance with law, within twelve (12) weeks from the date of receipt of a copy of this order, if the same is still pending. The petitioner is at liberty to file fresh representation to the third respondent, if required.

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

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall also stand closed.

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**JUSTICE C. PRAVEEN KUMAR**

07.09.2015

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