

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.32712 of 2011

ORDER:

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Heard learned counsel for the petitioner 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 respondent Nos.3 and 4 in insisting the petitioner to vacate the property in Survey Nos.54/1 and 117/1 admeasuring Acs.4.62 cents and 04.09 cents respectively situated at Goguladinne Revenue Village for distribution of house sites, as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioner from the said land.

It is the case of the petitioner that the father of the petitioner by name Kommu Galaiah is landless poor belonging to Schedule Caste. He occupied the aforementioned Government assessed waste land about 40 years ago. He was eking out his livelihood by doing cultivation of the said land by removing bushes and shrubs. Since the petitioner is a landless poor and Sivojimadar under the provisions of Standing Order 15 of Andhra Pradesh Board of Revenue Standing Orders, the fourth respondent assigned the said lands in his favour by proceedings dated 30.09.1980 in F.Dis.No.214/90 and dated 26.02.1979 in F.Dis.No.1762/88. It is stated that the name of his father was also mutated in the revenue records being maintained by respondent No.4. It is stated that the father of the petitioner died about 20 years and his mother also died 18 years prior to filing of this Writ Petition. Petitioner being the successor to the said property was cultivating the said land after the demise of his parents. On 09.12.2011, respondent No.4 visited the said land and asked the petitioner to vacate the said land for granting house sites to weaker sections. Hence, the present Writ Petition came to be filed.

Learned Government Pleader for Revenue filed counter disputing the averments in the affidavit, except those which are specifically admitted therein.

A perusal of the counter and the documents which are filed along with the counter would show that the assignment granted to the father of the petitioner in Survey Nos.54/1 and 117/1 was cancelled by Mandal Revenue Officer on 16.05.1994 vide proceedings No.L.Dis.No.365/94 for violating the conditions of assignment and thereafter the said land was assigned to Peruri Lakshmi Devi and Peruri Srinivasulu vide F.Dis.No.113/05 and 115/05 dated 05.07.2005. It is stated that the petitioner is no way concerned with the land in Survey No.117/1, since it is under the enjoyment of Gumpalli Geetha Devi. The documents which are filed along with the material would show that the names of Peruri Lakshmi Devi and Peruri Srinivasulu were mutated in the revenue records and pattadar pass books were also issued to them.

No reply came to be filed disputing the averments made in the counter. Therefore, from the documentary evidence which has been placed before the Court, it is clear that the petitioner has no right or title over the land in both the Survey numbers. The records also reveal that the land was re-assigned to said Peruri Lakshmi Devi and Peruri Srinivasulu in respect of the land in Survey Nos. 54/1 and 117/1 and thereafter pattadar pass books and title deeds were also granted in their favour. Insofar as the land in Survey No.117/1 is concerned, the records reveal that the correct Survey number is 119/1 and the same was under the enjoyment of the petitioner. Such being the position, in the absence of any reply to the counter and having regard to the circumstances stated above, I see no reason to entertain this Writ Petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to avail remedies available under law. No costs.

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

01.09.2015
vhh

JUSTICE C. PRAVEEN KUMAR