

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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WRIT PETITION No. 16036 of 2011

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ORDER:

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

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The present Writ Petition came to be filed seeking issuance of a writ of mandamus declaring the order dated 14.03.2011 in D.Dis.No.E4/13623/2010 issued by the 1st respondent/the Joint Collector, Chittoor District as illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India.

The facts which led to filing of the present Writ Petition are as under :

The petitioners, who are 10 in number, claim themselves to be residents of Pathagunta Gram Panchayat, Srikalahasthi Mandal, Chittoor Mandal and the then Mandal Revenue Officer, Srikalahasthi was pleased to assign lands in their favour to an extent of Ac.1.75 cents in S.No.1-18P, Ac.1.70 cents in S.No.1-19P, Ac.1.70 cents in S.No.1-20P, Ac.1.75 cents in S.No.1-21P, Ac.1.75 cents in S.No.1-23P, Ac.1.65 cents in S.No.1-24P, Ac.1.75 cents in S.No.1-25P, Ac.1.75 cents in S.No.1-26P, Ac.1.70 cents in S.No.1-27P and Ac.1.70 cents in S.No.1-29P vide DKT patta Nos.571/4/1405 to 588/4/1405 of Pathagunta village, Srikalahasthi Mandal, respectively. The first respondent/Joint Collector and Additional District Magistrate of Chittoor while exercising their powers passed an order dated 14.03.2011 cancelling the DKT pattas granted in their favour on the ground that the said pattas were granted on a mistake of fact. Further, they directed the Tahasildar, Srikalahasthi to resume the

assigned lands from the petitioners. Challenging the same, the present Writ Petition came to be filed.

On 14.06.2011, this Court while passing interim order directed the Joint Collector or any other Senior Officer under his control, along with the Conservator of Forests to inspect the village and the lands in question. The Court held that if the lands are considered to be forest lands, the Joint Collector and the Conservator of Forests shall take immediate steps to resume possession of the lands and convert the same as forest land. Till such an enquiry is completed, the petitioners shall not be dispossessed from the lands in question. If the Inspecting officials find any standing crop on the land, they may allow reasonable period of time not exceeding four months for the standing crop to be harvested and taken away and no fresh crops to be raised there on the land thereafter. The court further observed that since the petitioners are all members belonging to the socially disadvantaged segment of schedule castes, it is appropriate that a suitable land of an equal extent of Ac.20.60 cents belonging to the Government and which is otherwise fit for cultivation available either in the same village or any one of the adjoining villages, be identified and corresponding extents of land be assigned to the petitioners herein as well as the remaining two other individuals. The order also indicate that the petitioners must satisfy the Joint Collector that they are landless poor persons and that they are actually dependent upon cultivation for their living. The respondents 1 to 3 are directed to file detailed report within three months from the date of the said order.

A perusal of the detailed report submitted by the Tahasildar, Srikalahasthi shows that there were no standing crops on ground and that the subject land was classified as "Adavi" as per village accounts. Further, the entire land was under the control of Forest Department who have raised Kanuga (Pungamia) trees. It further shows that the petitioners are residents of Bangarupeta of Venkatagiri town of SPS Nellore District and are not the residents of Pathagunta village as claimed. It is said that since the petitioners are residents of Bangarupeta of Venkatagiri town, they cannot be

assigned any land in Pathagunta village.

However, having regard to the fact that the petitioners are landless poor persons belonging to socially disadvantaged segment, they shall file a proper application before the first respondent with all the proof of their address and also indicating the Government lands, if any available, in or around their village, in which event the same shall be dealt with in accordance with law at the earliest.

With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions pending if any in this Writ Petition shall stand closed.

C. PRAVEEN KUMAR, J

Date:18.09.2015r

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