

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

-
WRIT PETITION No. 41138 of 2014

ORDER:

The petitioner is a Doctors' Cooperative House Building Society, predominantly consisting of doctors from Visakhapatnam town. The pleaded case of the petitioner is that the petitioner-Society purchased land admeasuring Ac.20-00 in Survey No.26 (old), Mudasarlova village, Visakhapatnam from one G. Satyanarayana Raju and his family, vide three registered sale deed Nos.7240/1982, 5346/1982 and 3686/1985 registered in the Office of Sub-Registrar, Visakhapatnam. The said land was purchased for preparing layout and distributing plots to its members. The vendor of the land to the petitioner-Society obtained Ryotwari Patta and also obtained orders from the Settlement Officer in his favour. While so, the Revenue Divisional Officer, Visakhapatnam, filed a case against the said vendor of the petitioner-Society in LGC No.13 of 1989 before the Special Court under the Land Grabbing Act. The petitioner-Society was impleaded as 8th respondent in the said LGC. The Special Court allowed the said LGC holding that the land pertains to Government. While allowing the LGC, the Special Court observed that as the petitioner-Society, consisting of Doctors, has parted with valuable sale consideration for purchase of the land, the Government may consider regularisation of their purchased lands. Subsequently, the petitioner-Society made an application as long back as 05.03.2003 seeking regularisation of their land, and thereafter followed it up with several representations, but no action is taken by the Government. Hence, the writ petition.

2. Learned counsel for the petitioner-Society contends that the District Collector, in fact, vide his proceedings dated 15.12.2006 recorded the classification of land as "Municipal Water Works" in the Revenue records. Further, the District Collector had recommended alienation of Ac.10-59 cents in Survey Nos.73 and 74 (which are the new survey numbers given in recent times) on payment of market value. In spite of the said recommendation, the Government is not passing any orders.

3. Learned Government Pleader placed on record the communication received from the Tahsildar in Rc.No.88/2015/A dated 23.01.2014. In the said communication, the Tahsildar, while referring to the orders of the Hon'ble Supreme Court in Civil Appeal No.4787 of 2001 dated 25.07.2001, categorically states that the subject land, as per SFA of Mudasarlova village, stands classified as "Water Works" and hence cannot be alienated.

4. Having considered the rival submissions, I deem it appropriate to direct the Government to pass orders on the representations submitted by the petitioner-Society within a period of three months from the date of receipt of a copy of this order. Considering the fact that the petitioner-Society is admittedly in possession of the land in question, having put up a fence around the subject land, the possession of petitioner-Society shall not be disturbed and there shall be status quo with regard to the nature of the land, and the land shall not be altered in any manner, till final orders are passed by the Government on the representations submitted by the petitioner-Society. However, it is made clear that this direction shall not be construed as expressing opinion, one way or the other; and the interim protection which is given to the petitioner-Society by this Court now, pending consideration of the representations by the Government, shall not confer any right on the petitioner-Society to claim equity or any other right whatsoever.

With the above observations, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

28th January, 2015
KSM