

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18564 of 2012

ORDER:

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As there was no representation on behalf of the petitioners on 16.09.2015, the matter was directed to be listed to next week under the caption "for dismissal". In spite of the matter being posted under the caption "for dismissal", there was no representation on behalf of the petitioners on 28.09.2015. As a final chance the matter is directed to be listed to today under the same caption. Even today there is no representation on behalf of the petitioners either in the morning or in afternoon session. Hence, heard Government Pleader for Revenue and perused the record.

The present writ petition came to be filed seeking issuance of a writ of mandamus, declaring the action of the respondents in trying to interfere with the possession and enjoyment of the petitioners over the land admeasuring Ac.2.00 situated in Sy.No.171-1 renumbered as 171/1A situated at Santhamagaluru Village and Mandal, Prakasham District, without issuing any notice and without following due process of law, as arbitrary, illegal and violative of principles of natural justice.

The averments in the affidavit filed in support of the writ petition would show that the petitioners claims to have purchased the land admeasuring Ac.2.00 in Sy.No.171-1 situated at Santhamagaluru Village and Mandal, from K.Koteswara Rao and others through a registered sale deed bearing document No. 20853/2011, dated 21.11.2011. It is stated that the vendors of the petitioners purchased the said land from Arvapalli Satyanarayana vide registered sale deed bearing document No. 2583/1954, dated 04.12.1954. Ever since the date of purchase the petitioners are in possession and enjoyment of the said property. While things stood thus, on 19.06.2012 the officials from the office of the first respondent came to the land and started measuring the land and on enquiry they informed the petitioners that they are proposing to acquire the said land for allotment of house plots under Indiramma Scheme. Hence, the writ petition.

A counter came to be filed by the respondents stating that the land admeasuring Ac.2.00 in Sy.No.171/1 of Shanthamagalur Village is originally a patta land of Kanamarlapudi Koteswara Rao, who executed a relinquishment deed dated

25.10.1991 in favour of the government represented by District Collector, Prakasham, for allotting the same to poor beneficiaries. The counter further show that the Mandal Revenue Officer, Santhamagulur has taken possession of the land, prepared a layout and divided the said land into house plots each admeasuring Ac.0.04 cents and house site pattas were granted to 44 poor beneficiaries. Pattas dated 02.12.1991 were also delivered to the beneficiaries, who erected huts in their respective plots and started living there. Due to cyclone in the year 1996 and due to heavy flow of tank water, the huts were washed away and the beneficiaries did not raise huts again and the entire area is vacant. It is stated in the counter that the land is in possession and enjoyment of the landless poor beneficiaries and the petitioners are never in possession and enjoyment of the said land. Therefore, the question of interference by the respondents is far from truth. Insofar as the averments with regard to purchase of the land by the petitioners from K.Koteswara Rao, it is stated in the counter that once the said K.Koteswara Rao, relinquished his right, gifted the land to the Government for public purpose which was accepted by the Government, he is not entitled to sell the same to the petitioners after a long gap of twenty years and deliver possession by virtue of sale deed.

No reply is filed disputing the averments in the counter. A perusal of the material on record would show that the Mandal Revenue Officer, Santhamaguluru took possession of the land, divided the same into plots and handed over the same to the beneficiaries. Therefore, it cannot be said that the petitioners are in possession of the land. Since there is no representation on behalf of the petitioners in spite of the matter being posted under the caption "for dismissal" and having regard to the circumstances stated above, this Court is of the view that there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

30.09.2015

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