

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3924 OF 2012

O R D E R:

This Writ Petition is filed challenging the proceedings of 1st respondent—Sub-Collector, Gudur vide RC.B1.516/2012 dated 04.02.2012 issued to 2nd respondent—Tahsildar, Manubolu.

The petitioners claim that they are owners of 10 hectars of land in Survey No.521-C/P, situated in Kolanakuduru Village, Manubolu Mandal, SPSR Nellore District, having purchased the same from some Ex.Service men, who have been granted pattas by way of assignment. They further claimed that the land in their possession has been given new survey Nos.9544/2, 951, 949 in place of old survey No.521-C/P. It is their case that respondents 3 and 4 were never in possession of subject land and never granted pattas in respect of Ac.5.00gtrs each in Survey No.521-C/P. It is further averred that the proceedings dated 04.02.2012 were issued without notice to the petitioners and that the 2nd respondent is trying to dispossess the petitioners and induct respondents 3 and 4 into the subject land. Pursuant to the proceedings dated 04.02.2012, this Court granted interim stay of dispossession on 16.02.2012 in W.P.M.P. No.4929 of 2012.

Counter affidavit and vacate stay petition has been filed by respondents 3 and 4 as well as respondent No.2.

The case of respondents 3 and 4 is that the petitioners being influential landlords preventing them from enjoying the patta land which has been granted in their favour under Ex.service men quota, as they are helpless people and that they have

approached respondent No.1—Sub-collector seeking to provide protection to enable them to carry agricultural operations. The 1st respondent merely directed the 2nd respondent to enquire into the matter and he found two things out of the complaint made by the respondents 3 and 4 and necessary action including criminal action to be taken in accordance with law. It is also averred that there is no truth in the allegation of the petitioners with respect to the interference either by them or by the official respondents and on the other hand, the petitioners, who are admittedly claiming to be in possession of 10 hectors, who are preventing them from enjoying the land which has been allotted to them.

Learned Government Pleader submits that an extent of Ac.5.00 gts of dry land was assigned to Paruchuru Jani, S/o.Abdul Gaffar in F.Dis.251/1407 dated 20.06.1998 under Ex.Servicemen Quota. He was also issued Pattadar Passbook bearing No.J 467243 with the old SurveNo.521-C/P under 1B Khata No.756. Immediately after the grant of 'D' form patta, possession was not shown to be handed over to the assignees, as the huge block was not split up and new Survey numbers were not given. The block split with new survey No.772 to 966 was done to an extent of Ac.1647.16 gts in the year 2000 leaving the balance extent of Ac.465.16 gts with old Survey No.521-C only. Sub Division was done simultaneously but not implemented in the records upto 2008. Even after the sub division is done on paper, the assignees were not officially allotted with new Survey number either in record or shown on ground. Hence it can not be construed and confirmed that the assignee Parachuru Jani was allotted with new Survey No.954-2 and shown to be in possession as contemplated in the writ petition. Taking advantage of the non-splitting of the block area of survey No.521-C and the orders

issued by this Court, dated 18.12.2012 in W.P No.34272 of 2011 and G.O Ms.No.1117 Revenue dated 11.11.1993, the petitioners in a hurried and hasty manner has got the land registered with new survey No.954-2 without altering the same in the pattadar pass book issued to them vide document No.315/2, dated 28.01.2012.

It is submitted that due to differences with respondent Nos.3 and 4, the petitioners have purchased the lands relating to other Military personnel in place of respondents 3 & 4 in the guise of non-splitting of survey No.521-C as it measures vast extent of Ac.2427.08, and Sri Vavilla Venkata Narayana Murthy is one among them. The petitioners are carrying aqua culture in the above extent of land. The petitioners entered into lease agreements in respect of the assigned lands granted to Ex.military personnel in the year 2000 and respondents 3 and 4 were also one among them.

Heard Sri P.Sridhar Reddy, learned counsel for the petitioners and learned Government Pleader for Revenue(A) for respondents 1 and 2, Sri Karunakar Reddy, learned counsel for respondents 3 and 4.

A perusal of the impugned proceedings dated 04.02.2012 reveals that no cause of action arose so far as petitioners are concerned. At best, the petitioners may have an apprehension that an adverse order may be passed against them in the light of the facts mentioned in the counter affidavit filed by the respondent No.2. Though there may be some truth in the submissions made by the learned counsel for the petitioners that at relevant point of time there was a charged atmosphere and the respondents 3 and 4 with their supporters alleged to have threatened the petitioners in the absence of any material before this Court no finding as

such can be given. At any rate, the proceedings dated 04.02.2012 is only a communication from the Sub-Collector to Tahsildar to cause enquiry and to ensure that the 3rd and 4th respondents enjoy the benefits of patta granted in their favour, petitioners cannot have any grievance against such enquiry being conducted.

In that view of the matter, I do not find any merit to interfere with the proceedings in the writ petition.

Accordingly, the writ petition is dismissed.

However, it is open for the petitioners to participate in the enquiry if any notice is given to them and file their objections.

There shall be no order as to costs. In sequel miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated:10.03.2015.

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HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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Date: 10.03.2015.

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