

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.10781 of 2004

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

This writ petition was filed challenging the action of the Mandal Revenue Officer, Muthukur Mandal, the 3rd respondent herein, in trying to evict the petitioners from the land in their occupation in Nagaladoravu Gamalayapalem Revenue Village, Doruvula Pallam, Muthukur Mandal, Nellore District. They state that they are the permanent residents of the said village and landless poor persons. It is their further case that they occupied the Government waste land in survey No.696/2 of the said village. It is stated that they raised thatched houses independently and they are living along with their family members and they have been paying house taxes to the Gram Panchayat. They have also submitted a representation to the Revenue Divisional Officer, Nellore, the 2nd respondent herein, to consider their case for assignment. When no action was taken on the representation, but, on the other hand, when the petitioners are sought to be evicted, the present writ petition was filed.

The 3rd respondent filed a counter-affidavit, stating that the petitioners are not residents of Naguladoruvu Gamallapalem H/o Epur-IA Village and they are residing at Venkatachalam Mandal jurisdiction and their names are available in the voters list in part No.188 and 190 of 131 Survepalli Assembly constituency, which are relating to Venkatachalam Mandal, and hence, they are not eligible for grant of house site pattas. The allegation of submission of representation to the then Mandal Revenue Officer, Muthukur Mandal, was also denied. It is further stated that they have never encroached the land and are creating problems to the Government in regard to providing house sites to the weaker

sections. When an extent of Ac.0.76 guntas of land is kept vacant for assignment, the petitioners approached this Court and obtained orders of *status quo*.

In view of the rival contentions made by the learned counsel for the petitioners and the 3rd respondent, this writ petition is disposed of, directing the 3rd respondent to take into consideration the evidence produced by the petitioners, if any, showing their possession and residence as Nagaladoravu Gamalayapalem Revenue Village, Doruvula Pallam, Muthukur Mandal, Nellore District and take necessary action for assignment of house site pattas, if they are otherwise eligible.

If the petitioners are not eligible for house site pattas on the ground that they are non-residents of the village, it is open to the respondents to take necessary action in accordance with law.

The Writ Petition is accordingly disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.02.2015

GJ