

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18071 of 2011

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Assignment. With the consent of all the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus directing the respondents to assign land admeasuring Ac.0.50 cents situated in Sy.No.56 of Anamarlapudi Village, Peda Kakani Mandal, Guntur District, in favour of each of the petitioners by completing the process expeditiously within a time bound programme and to declare their inaction as illegal and violative of principles of natural justice.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioners, claims to be in possession of land admeasuring Ac.0.50 cents each situated in Sy.No.56 of Anamarlapudi Village, Peda Kakani Mandal, Guntur District, by virtue of their occupation and eking out their livelihood by raising dry crops in the said property. It is stated that the total extent of land in Sy.No.56 is Ac.53.00. It is further stated that at the instance of the then Sarpanch of the village, DKT pattas were issued to nine individuals on 01.06.1972 by allotting Ac.2.50 cents each which is subject matter of W.A.No.1381 of 2008. The petitioners submitted a representation, dated 14.10.2010, to the respondents seeking assignment of pattas in their favour. Pursuant thereto, the Mandal Revenue Inspector and Village

Revenue Officer, Anamarlapudi Village, visited the spot and submitted a detailed report. Basing on the representation dated 28.10.2010, the second respondent through his proceedings Rc.No.4034/2008-E2, dated 08.11.2010 addressed a letter to the third respondent to enquire into the contents of the representation, take necessary action and submit a detailed report. Later, the officials submitted a report stating that the petitioners are landless poor persons and are eligible for grant of assignment in their favour. In spite of the same, the respondents failed to take any action for assigning the pattas. Hence, the writ petition.

A counter came to be filed by the respondents denying the averments made in the writ petition. In Para No.11 of the counter it has been specifically stated that the reports of Mandal Revenue Inspector and Tahsildar state that the petitioners are eligible landless poor persons for assignment of land, but the land which was already assigned to some other landless poor persons cannot be drawn back and assigned to the petitioners. It is further stated that the petitioners are at liberty to seek alternative land for their livelihood.

Learned counsel for the petitioners relied upon the averments in para No.4 of the counter, wherein it has been mentioned that out of land admeasuring Ac.47-45 cents in Sy.No.56 of Anamarlapudi Village, land to an extent of 30.34 cents was converted as A.W.D. Village Site, Road and Canal from that of Tank Poramboke. Land to an extent of Ac.22.38 cents which was converted as A.W.D. was assigned to nine landless poor persons in the year 1972 on payment of market value. In view of the above, he submits that there is a balance of

Ac.09.00 left which may be assigned to the petitioners.

The Government Pleader for Assignment on instructions submits that no land is available in the said survey number to be assigned to the petitioners. He placed on record the remarks sent by the Tahsildar, Pedakakani Mandal, showing classification of land in Sy.No.56.

By an order, dated 29.06.2011, while issuing notice before admission, this Court directed the District Collector, to finalise the process of assigning the land in favour of the eligible beneficiaries of Anamarlapudi Village, including consideration of the cases of the petitioners pursuant to the report called for by him on 08.11.2010 from the Revenue Divisional Officer, Guntur.

Learned counsel for the petitioners submits that till date the assignment process as directed by this Court on 29.06.2011 is not done. The Government Pleader for Assignment submits that in view of the averments in the counter and also taking into consideration the interim order passed, necessary direction may be given to the respondents.

Having regard to the circumstances stated above and taking into consideration the interim order dated 29.06.2011 and also the averments in the counter, the District Collector-second respondent is directed to finalise the process of assignment in favour of the eligible beneficiaries including the case of the petitioners, within a period of eight (08) weeks from the date of receipt of a copy of this Order.

With the above direction, the Writ Petition is disposed of.

No costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

26.10.2015
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