

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.12531 of 2004

ORDER:

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

The petitioner states that he is the absolute owner and possessor of land in survey Nos.44/1, 42/2, 1022, 1023 of Idupur Village of Narkapur Mandal, Prakasam District. The petitioner's father, M.Narapu Reddy, and one Chinna Reddy are brothers. They are the sons of one Anki Reddy. The total extent of land is Acs.60.75 cents. It is stated that the said land is a joint family property and he had disputes with M.Venkatanarayana Reddy S/o Chinna Reddy. It appears that said Venkatanarayana Reddy surrendered an extent of Acs.26.00, in pursuance of the land ceiling proceedings to the Government. The petitioner and his brother had no knowledge about the surrender of the land. The petitioner's brother died intestate. The suit filed by the petitioner in O.S.No.90 of 1983 on the file of the Subordinate Court, Markapur, for partition, was dismissed, on 23.04.1986. The said Venkatanarayana Reddy, who surrendered the land, died intestate in 1997. By virtue of the death of male members in the family, the entire extent of Acs.60.75 cents of land continued to be in possession and enjoyment of the petitioner. When the revenue authorities tried to interfere with his possession and enjoyment, he came to know that his father late Chinna Reddy filed a revision before the Joint Collector, Prakasam, the 1st respondent herein, challenging the order of the Revenue Divisional Officer, Markapur, the 2nd respondent herein, assigning the land in favour of third parties and the said revision was dismissed on 07.10.2002. The petitioner came to know that the land was surrendered by his cousin, Venkatanarayana Reddy. In those circumstances, he filed the present writ petition challenging the proceedings of the Joint Collector, dated 07.10.2002 confirming the order of the Revenue Divisional Officer, dated 07.12.1987.

A reading of the orders passed by the Revenue Divisional Officer and the Joint Collector discloses that the land in an extent of Acs.24.35 cents in survey Nos.1022, 1023, 42/2 and 44/1 of Idupur Village, surrendered by M.Venkatanarayana Reddy were allotted to 12 beneficiaries. Chinna Reddy filed an appeal before the Revenue Divisional Officer, challenging the assignment made in favour of third parties. The lands surrendered by Venkatanarayana Reddy were taken possession by the Special Deputy Tahasildar, on 07.12.1976 and allotted to the landless poor persons on 31.12.1976. It was also noticed that the suit filed by the petitioner herein in O.S.No.90 of 1983 on the file of the Subordinate Court, Markapur, was dismissed, on 23.04.1986. In view of the same, it was held that the plea of the appellants therein that the lands were in their possession was rejected by the Revenue Divisional Officer in his order dated 07.12.1987. Accordingly, the Joint Collector passed an order dated 07.10.2002 dismissing the revision filed by the brother of the petitioner herein.

Since all the proceedings were taken by the competent authority, pursuant to finalisation of proceedings under the Land Reforms Act, the petitioner cannot claim any title to the said lands, without approaching the authorities under the provisions of the Andhra Pradesh (Ceiling on Agricultural Holdings) Act 1976. It is also pertinent to note that the suit filed by the petitioner for partition was dismissed.

In the circumstances, it cannot be held that the action of the respondents in assigning the surrendered surplus lands to the beneficiaries is bad in law. Hence, there are no grounds for challenging the proceedings, dated 07.10.2002, issued by the 1st respondent confirming the order of the 2nd respondent.

Therefore, the writ petition is liable to be dismissed and is accordingly dismissed.

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

(A.RAMALINGESWARA RAO, J)

02.04.2015

GJ