

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.30155 OF 2010

DATED 29th SEPTEMBER, 2015

Between:

Thotakura Satyavathi .. Petitioner

and

The Agent to Government/District Collector,
West Godavari, Eluru and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.30155 OF 2010

ORDER

The grievance of the petitioner was with the order dated 16.01.2002 of the Special Deputy Collector (TW), K.R.Puram, West Godavari District, whereby the Mandal Revenue Officer was directed to take possession of an extent of Ac.4.74 cents of land in R.S.No.559/2 of Buttayagudem Village and assign it to landless poor tribals. This order was passed in S.E.No.179 of 2001 on the file of the Special Deputy Collector, K.R.Puram, West Godavari District. The respondent in the said case was one Dayyala Venkateswara Rao and not the petitioner herein. The complaint of the petitioner, however, was that her land was the subject matter of the order.

By order dated 01.12.2010, this Court directed that the petitioner should not be evicted from the land in dispute. Thereafter, by order dated 29.01.2011, this Court took note of the petitioner's claim that the land in question belonged to her but was included in the schedule to the order dated 16.01.2002 and thereby, an eviction order had been passed without even making her a party respondent, and accordingly directed the interim order granted earlier to continue pending further orders.

The Special Deputy Collector (Full Additional Charge), Kotharamachandrapuram, West Godavari District, filed a counter-affidavit admitting that proceedings were initiated in S.E.No.179 of 2007 against one Dayyala Venkateswara Rao and not against the petitioner. As the said person failed to appear despite service of notice, the impugned order dated 16.01.2002 was stated to have been passed. He further denied the allegation of the petitioner that the ejectment order was sought to be implemented against her. He asserted that he had never insisted

that the petitioner hand over her land. Having stated so, the Special Deputy Collector went on to state that the petitioner had transferred her land to Dayyala Venkateswara Rao about five years prior to the order dated 16.01.2002. However, no document was placed on record or even referred to in proof of this alleged transfer of the property by the petitioner.

Sri P.R.K. Amarendra Kumar, learned counsel for the petitioner, asserted that the petitioner was in possession of the subject land as would be evident from the revenue record.

Notwithstanding the contradictions in the stand taken by the Special Deputy Collector, K.R.Puram, West Godavari District, given the admitted fact that the impugned order dated 16.01.2002 was passed in a case to which the petitioner was not even a party and she does not lay claim to the subject land through any party to the said case, the said order cannot be enforced against her. In the event the authorities wish to initiate action against the petitioner in respect of the subject land, they would necessarily have to do so in accordance with the due procedure and cannot visit the effect of the eviction order passed by them against some third party upon her.

The writ petition is accordingly disposed of directing the respondent authorities not to implement the order dated 16.01.2002 passed by the Special Deputy Collector, K.R.Puram, West Godavari District, in S.E.No.179 of 2001, against the petitioner. Pending miscellaneous petitions, including the implead petition, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

29th SEPTEMBER, 2015
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