

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.1114 OF 2004

ORDER:

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

This Writ Petition was originally filed by the first petitioner, who died when the Writ Petition was pending. The second petitioner was impleaded in the place of the deceased-first petitioner.

As per the averments in the Writ Petition, on the application of the first petitioner, who was a Freedom Fighter, an extent of Acs.10.00 of land in Survey Nos.99/10 and 99/11 at Kankanalapally Village of Thipparty Mandal, Nalgonda District, was assigned to him in the year 1969. He developed the land by investing huge amounts. Thereafter, the Government issued G.O.Ms.No.472, Revenue (Assignment-I) Department, dated 22.05.1993 for allotment of house site to an extent of 500 square yards in lieu of Acs.10.00 of agricultural land. The petitioner expressed his willingness to surrender his Acs.10.00 of agricultural land in lieu of 500 square yards of house site in Urban area by submitting a representation dated 22.10.1993. He also surrendered his Acs.10.00 of land. The Mandal Revenue Officer (MRO), Thipparthi, took possession of the land but when the respondents did not take any action pursuant to G.O.Ms.No.472 dated 22.05.1993, the petitioner filed W.P.No.11967 of 1996 and the same was disposed of holding that the petitioner is entitled to 500 square yards of land. But when the petitioner was allotted only 300 square yards of land, he filed W.P.No.17772 of 2000 challenging the action of the respondents in allotting only 300 square yards in pursuance to G.O.Ms.No.185, Revenue (Assignment-I) Department, dated 11.03.1997. This Court held that the petitioner was entitled for 500 square yards of land in the said representation. On filing Contempt Case No.1420 of 2002, the respondents allotted 500 square yards of land in Survey No.789/1 at Uppal Kalasa with a condition that alienation of the land is prohibited but the petitioner can pass on the land to his successors. Challenging the said condition, the present Writ Petition was filed.

A counter affidavit was filed by the respondents, wherein the allotment of the land in favour of the petitioner was not disputed. But it was stated that the petitioner

submitted a representation on 16.08.2003 accepting the plot admeasuring 500 square yards in Survey No.789/1 of Uppal Kalasa in accordance with G.O.Ms.No.472 dated 22.05.1993. When a reference was made to the District Collector, Ranga Reddy District, as per the proforma under which the alienation has been made, it was clarified that the assignment should be made in accordance with G.O.Ms.No.185 dated 11.03.1997.

This Court in W.P.No.17772 of 2000 gave a finding that G.O.Ms.No.472 dated 22.05.1993 enabled allotment of land to the political sufferers to an extent of 500 square yards in urban agglomeration in lieu of their agricultural lands but subject to certain conditions. One of the conditions was that house site cannot be sold after a period of ten years by the Freedom Fighter. Indeed, a patta certificate was issued under G.O.Ms.No.185 dated 11.03.1997 prohibiting alienation of the land. Since this Court already held that G.O.Ms.No.472 dated 22.05.1993 alone is applicable to the case of the petitioner, it is in the fitness of things that the said patta certificate should contain a clause with regard to prohibition on alienation for a period of ten years but not perpetually. Assignment cannot be made as per conditions of G.O.Ms.No.185 dated 11.03.1997.

In the circumstances, this Writ Petition is allowed holding that the land for which the patta certificate was issued in favour of the petitioner cannot be sold for a period of ten years but not perpetually. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

20th March 2015

RRB