

* THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10246 of 2015

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10.04.2015

Between

K. Lambodara Naidu

... Petitioner

\$ 1. The State of Andhra Pradesh and 4 others

...Respondents

! Counsel for the petitioner : Mr. A. Giridhar Rao

^ Counsel for the respondents : G.P for Revenue

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> Head Note:

? CITATIONS:

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ORDER:

The grievance of the petitioner is that he is in possession and enjoyment of land over an extent of Ac.1-04 cents in Survey Nos.112/5-A, C & D of C.Ramapuram village, Kammapalli mandal (now Ramachandrapuram mandal), Chittoor district, and was running the business of poultry and cattle feed shed under the name and style of Sri Venkateshwara Poultry and Cattle Feeds Unit since 1989. The petitioner made an application seeking alienation of the said land in his favour and he was prepared to pay the market price. As a matter of fact, his case was recommended to the Government by the respective authorities and a valuation report also was prepared and submitted by the Tahsildar on 03.03.2008. However, the District Collector passed an order on 12.11.2013 rejecting the claim of the petitioner on the ground that alienation of lands is banned in terms of the G.O.Ms.No.571 dated 14.09.2012.

2. Learned counsel for the petitioner submits that the proposal of the petitioner seeking to alienate the land in his favour was in the year 2008; whereas the policy of non-alienation of lands within 2 KM of Mandal Headquarters came to be introduced only in the year 2012 by way of the said G.O. In that view of the matter, the said G.O. cannot be made applicable to the petitioner and as such the rejection of the petitioner's application is totally illogical and he prays for a direction to the respondents to reconsider the same.

3. Learned Government Pleader opposes grant of any relief in the writ petition and he submits that it is not the date on which the proposal was recommended, but it is the policy and application of the terms of the current policies by the competent authority alone are relevant as the competent authority is required to take into consideration the extant policy and not the policies which were existing earlier. He further submits that the land policy in the changed

circumstances on account of the State Reorganization is a matter within the exclusive jurisdiction of the Government and, at any rate, even by virtue of the G.O.Ms.No.571, the request of the petitioner to alienate the subject land in his favour cannot be considered and the District Collector rightly rejected the application as it is the Government which is empowered to change the policy. In that view of the matter, the learned Government Pleader submits that the writ petition does not deserve any consideration.

4. Having considered rival submissions, it can be seen that the claim of the petitioner to alienate the land in his favour is not borne out from any policy, rule or regulation which mandates the Government to consider his application in positive terms. Further, it is exclusively at the discretion of the Government, and that too, subject to the policies formulated from time to time. In the present case, the competent authority has refused to accede to the request of the petitioner, placing reliance on the G.O.Ms.No.571, Revenue (Assignment.I) dated 14.09.2012. Clause 'I' of the Annexure to the G.O.Ms.No.571, reads as under:

“I) Ban on alienation of certain Government lands:

All the vacant Government lands situated within 2 KMs from the peripheral areas of Mandal Headquarters shall be got entered in the Prohibitive Order Book and alienation of such Government lands banned, except in the case of house sites the land could be utilized with the prior permission of the concerned District Collector (G.O.Ms.No.1493, Revenue (Assgn.POT) Department, dated 1-12-2007.”

5. A perusal of G.O.Ms.No.571 dated 14.09.2012 itself would reveal that it was in supercession of all earlier G.Os. and instructions with regard to the Government land, with regard to various purposes for different Government departments and private organizations. The G.O. also reveals that the same came to be finalised after notifying the draft new land policy on the Website of the Chief Commissioner of Land Administration and calling for suggestions from the public as well as from various quarters and finally a decision was taken approving the final draft policy; and the said decision was also a consensus decision including all political parties and leaders concerned. At any

rate, admittedly, the petitioner does not have any vested right to seek alienation of land in his favour. Further, the land is a scarce commodity which is not capable of being generated. There are competing interests from various quarters of society seeking allotment of land. Normally, rule of a sovereign State is annexation of land and not dissemination of land on one pretext or the other. Considering from that angle, the policy of the Government cannot be found fault with and, at any rate, there is no challenge to the G.O.Ms.No.571, Revenue (Assignment.I) dated 14.09.2012, before this Court. In such circumstances, the rejection of application of the petitioner cannot be found fault with and I do not find any reason to interfere with the decision of the 3rd respondent in intimating the petitioner that the land cannot be alienated in petitioner's favour.

6. The writ petition is, accordingly, dismissed. No costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

10th April, 2015

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