

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3268 OF 2015

ORDER:

Challenging the eviction proceedings dated 06.01.2015 issued by the 4th respondent, this writ petition is filed.

The pleaded case of the petitioner is that he is the owner and possessor of the land admeasuring Ac.0-15 gts in Survey No.287/63 of Gummaduru village, Mahabubabad mandal, Warangal district, by way of purchase from one Shivaratri Venkanna in the year 2008. The petitioner also states that the land in question was initially owned by one Dandu Ramachandraiah, S/o Veeraiah, till 1967, and in 1967, Dandu Ramachandraiah sold it to one Mallam Pitchaiah, S/o Ramaiah who was the owner till 2006, and in the year 2006, Mallam Pitchaiah sold the land to Shivaratri Venkanna, who is the vendor of the petitioner. The respondent authorities issued pattadar passbook to the petitioner by duly entering his name in the revenue records. While so, the respondent authorities stating that the land held by the petitioner is an 'assignment land', and alleging violation of conditions of assignment, a notice was issued to the petitioner calling for his explanation. The petitioner submitted his explanation enclosing copy of sale deed by which he purchased the land. Notwithstanding the explanation of the petitioner, the impugned order came to be passed which is impugned in this writ petition.

Ms. M. Pavithra, learned counsel for the petitioner submits that the petitioner is a landless poor, eking out his livelihood by doing agriculture in the said land. She further states that the 4th respondent failed to consider the eligibility of the petitioner for assignment in his favour, and ignoring Sub-Section 5 of Section 3 of the Act, passed the impugned order. It is her contention that Sub Section 5 of Section 3 of the Act says that "nothing in this section shall apply to an assigned land", in fact, takes the case out of the purview of the Section itself.

Learned Assistant Government Pleader for Revenue opposes the writ petition stating that an alternative remedy exists under Section 4A of the Act, and the petitioner may be directed to avail of the alternative remedy.

Having regard to the facts and circumstances of the case, I am of the view that the writ petition can be disposed of by giving liberty to the petitioner to approach the 3rd respondent by filling an application putting forth his grievance. On such appeal, the 3rd respondent shall pass appropriate orders, in accordance with law, within a period of four months from today. However, while disposing of the application of the petitioner, the 3rd respondent shall consider the specific plea of the petitioner that he is eligible for grant of patta for the land in question, particularly in view of Sub-Section 5 of Section 3 of the Act. Pending disposal of the petitioner's application, the respondent authorities shall not dispossess the petitioner from the land in question.

With the above observations, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:16.02.2015
Gk.

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

-
-
-
-
-
-
-
-
-
-
-
-
-

WRIT PETITION No.3268 OF 2015

Gk.