

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 28502 of 2011

DATE: 11.06.2015

Between:

Palle Shankaraiah

.. Petitioner

And

The District Collector
and three others
Respondents

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ORDER:-

The petitioner asserts that originally his father was the owner and possessor of the agricultural land admeasuring Ac.3.00 guntas in Sy.No.11/B situated in Bonguluru village, Ibrahimpatnam Mandal, Ranga Reddy District right from 1959-60 to 1972-73 and after his demise in 1973, the petitioner, having succeeded to the property, came to be in possession and enjoyment of the same, and the Government issued him patta through proceedings dated 26.05.1978 and subsequently, on 24.03.1992, the Mandal Revenue Officer also issued mutation proceedings. While so, it is stated that the respondents, without issuing any notice or following the due process of law, tried to dispossess the petitioner from the land with a view to constructing a School building therein. Then, the petitioner made a representation dated 18.07.2011 requesting the respondents to take necessary steps for initiation of acquisition proceedings before making any construction in his land. Now, the petitioner's grievance is that the respondents, without considering the representation nor initiating land acquisition proceedings nor following the due process of law, are trying to construct a school building in the land. Hence, the present writ petition seeking appropriate directions.

The 3rd respondent-Tahsildar has filed counter affidavit denying any patta having been granted in favour of either the petitioner's father or the petitioner. However, it is admitted that

the name of one Balraju in the possession column of the pahani patrikas is incorporated for the years 1960-61, 1963-64, 1966-67 and 1973-74. Further, from 1973-74 onwards no name was recorded in respect of the scheduled land. The proceedings dated 24.03.1992 of the recording authority are fictitious and not borne out of record.

The learned counsel for the petitioner has contended that in view of the categorical declaration of law by the Apex Court in the case of ***Land Acquisition Officer v. Mekala Pandu***^[1], the petitioner is entitled to compensation for acquisition of his land by the Government.

Having considered the rival submissions of the learned counsel for both the parties, this Court feels that here is a case where the possession of the property over a substantial period from 1960 to 1973 is admitted and the same is supported by the entries in the revenue records, however no documents as such have been produced even *prima facie* to show that the petitioner has been in possession after 1973-74. It is also the specific assertion of the Tahsildar that there is no documentary proof of the petitioner being in possession after 1973-74 though the Tahsildar admits in the counter that the name of Balraju is recorded in the possessor column for the period 1960-61 till 1973-74. Inasmuch as the grant of assignment of land and mutation in favour of the petitioner by 1992 is being disputed, this Court cannot determine the rights of the petitioner.

Hence, this writ petition is devoid of merits and dismissed. However, considering the fact that the petitioner was in possession over a period of 13 to 14 years i.e. from 1960-61 to 1973-74, liberty is given to him to approach

competent civil Court seeking to establish his claim and right over the property in question and for suitable compensation in accordance with law. No order as to costs.

As a sequel to the dismissal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

11.06.2015

bcj

[\[1\]](#) 2004(2) ALD 451