

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17335 of 2011

ORDER:-

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents. With the consent of both the parties, the main writ petition itself is heard at the admission stage.

The present writ petition is filed seeking issuance of a writ of mandamus declaring the inaction of the 3rd respondent in disposing of the application dated 29.11.2010 made by the petitioner seeking regularization of occupation of land to an extent of 700 square yards situated in Survey No.527/3 of Chodavaram Village, Guntur Mandal & District, under G.O.Ms.No.116, Revenue (ASSN.POT) Department, dated 16.02.2008, as illegal and arbitrary.

The averments made in the affidavit filed in support of the writ petition are that the petitioner purchased land to an extent of 700 square yards in Survey No.527/03 of Chodavaram Village, Guntur Mandal & District, from one Chalapathi Rao under a registered sale deed dated 23.04.1992 and since then he is said to be in possession and enjoyment of the same. While so, in the month of November 2010, when the revenue authorities tried to dispossess the petitioner on the ground that it is a Government land, the petitioner resisted their attempt. Having come to know that the Government issued guidelines for transfer of rights to certain specified categories of occupants of unassigned Government lands vide G.O.Ms.No.166, Revenue (ASSN.POT) Department, dated 16.02.2008, the petitioner made an application dated 29.11.2010 to the 3rd respondent seeking regularization of his occupation which is still pending consideration. In spite of the same, the 4th respondent is pressuring the petitioner to

vacate the land. It appears that the 4th respondent addressed a letter to the Sub-Registrar, Pathipadu, stating that the land admeasuring Acs.12.37 cents in Survey No.527 is an assigned land and no documents are to be accepted for registration. It is stated in the affidavit that the land purchased by the petitioner is neither an assigned land nor a Government land, but it is a patta land. Questioning the inaction of the 3rd respondent in disposing of his application dated 29.11.2010, the petitioner filed the present writ petition.

The 4th respondent filed his counter denying the averments made in the petition. According to him, as of now the petitioner has not filed any application seeking regularization of occupation of the land alleged to have been in his possession, and that the entire extent of Acs.12.37 cents situated in Survey No.527 of Chodavaram Village, Guntur Mandal, is an assigned land and the same was assigned to the landless poor. As the assigned lands were in possession and enjoyment of other than the assignees, after following the due procedure, they were resumed to the Government under cover of panchnama. Thus, it is said that the applicability of G.O.Ms.No.166 dated 16.02.2008 does not arise.

A reply came to be filed denying the averments made in the counter filed by the 4th respondent contending that the petitioner purchased the land in Survey No.527/3 of Chodavaram Village, but not in survey No.527 and that he is in possession of the same as on today.

Having regard to the circumstances stated above and taking into consideration the allegations and the counter allegations made, I deem it appropriate to direct the 3rd respondent to dispose of the application dated 29.10.2010 made by the petitioner seeking regularization of occupation of land to an extent of an extent of 700

square yards situated in Survey No.527/03 of Chodavaram Village, Guntur Mandal & District, under G.O.Ms.No.116, Revenue (ASSN.POT) Department, dated 16.02.2008, and pass orders, in accordance with law, within a period of three (3) months from the date of receipt of a copy of the order, if it is made and still pending consideration. The petitioner is also at liberty to make a fresh application, if necessary, before the 3rd respondent, in which event, the same shall be disposed of, in accordance with law, within the above stipulated time. It is made clear that uninfluenced by the observations made and also the contents of the affidavits and the counter filed by either side, the 3rd respondent shall dispose of the application filed by the petitioner.

With the above direction, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

C. PRAVEEN KUMAR, J

30th June, 2015
cbs

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17335 OF 2011

30th June, 2015

cbs