

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.28013 of 2011

ORDER:

The petitioner has filed this Writ Petition challenging the action of respondents in not finalizing his claim for restoration of possession of land in Sy.Nos.25, 27 and 58 of Chinatokatta village, Tirumalghery Mandal, Hyderabad District and seeking payment of compensation for the loss of the said property under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Act") pending disposal of the Writ Petition.

2. The petitioner belongs to Schedule Caste community and retired from the post of Commissioner of Income Tax (OSD) A.P. on 14-05-1999.

3. According to him, an extent of Ac.1.00 guntas in Sy.Nos.25, 27 and 58 of the above village was in his possession under perpetual lease from the original land owners. He contends that although the lease agreement mentioned only Sy.Nos.25 and 27, the land is actually in Sy.No.58. He contends that in 2009, some people colluded with the land owners, came to his site and threatened him, and when he approached the police, they stated that it is a civil dispute. Petitioner contends that thereafter when he was not in town, the above land was grabbed by one S.Pandu Ranga Reddy, S/o.late S.Ram

Reddy, and consequently petitioner made a complaint to the P.S. and also to the SC, ST Commission. The petitioner contends that the said Commission referred the matter to the Revenue authorities.

4. It is not in dispute that the 2nd respondent issued a letter

dt.09-02-2011 to the 3rd respondent for submitting a detailed report, that the 3rd respondent submitted such a report, and on 09-02-2011, the 2nd respondent passed an order and granted interim relief of Rs.25,000/- invoking G.O.Ms.No.3 Social Welfare (H) Department dt.16-01-1996.

5. The said G.O. provided that if any person is in wrongful occupation or cultivation of the land belonging to a person of S.C. or S.T., the provisions of Section 3(1)(iv) and (v) of the Act are attracted. In view of this provision, the 2nd respondent granted interim relief to petitioner and subsequently F.I.R. was registered against the accused.

6. Petitioner contends that in spite of the same, possession of the land was not restored to him and no compensation was also paid to him as per G.O.Ms.No.119 Social Welfare (POA.1) Department dt.31-10-2001. According to the petitioner, under this G.O., an action programme for eradication of Untouchability and Prevention of atrocities on SCs and STs was submitted by

Justice Dr.K.Punnayya, Commission of Enquiry and one of the recommendations of the said Commission i.e that in case of loss of assets on account of atrocities against SCs and STs, compensation is to be paid equal to the actual loss sustained by the victim and his family, was accepted by the Government and the Government had directed that the assessment of actual loss should be done by the Revenue Divisional Officer. He contends that since the property of Ac.1.00 belongs to him was lost on account of atrocity committed against him, he should be paid market value of the said land by the State Government in view of the above G.O.Ms.No.119 dt.31-10-2001. According to him, on a conservative estimate, he should be paid at least Rs.4.8 crores by the State Government. According to him, the above site is now occupied by a big building in which Narayana College, an educational institution is housed and that except paying Rs.25,000/- by way of interim relief vide proceedings No.C2/500/2010 dt.09-02-2011, further compensation as claimed by petitioner was not paid to him by the State Government.

7. The party-in-person reiterated the above submissions.

8. Counter-affidavit is filed by the 3rd respondent on behalf of himself and the 2nd respondent. While admitting that interim relief under the provisions of the Act amounting to Rs.25,000/- was sanctioned by 2nd respondent to

petitioner in proceedings No. C2/500/2010 dt.09-02-2011 and the said amount was paid to him, the respondents, however, dispute their liability to pay any further amount to petitioner. According to him, one S.Malla Reddy filed O.S.No.554 of 2011 on the file of the III Senior Civil Judge, City Civil Court at Secunderabad against the petitioner and his brothers for a perpetual injunction in respect of three bits of land of 550 sq. yards, 100 sq. yards and 1000 sq. yards in Sy.No.58, that the said suit ended in a compromise before the Lok Adalat on 04-12-2010 and under the terms of the compromise, the petitioner and his brother gave up their leasehold rights in the above property in favour of plaintiffs therein after receiving a sum of Rs.25 lakhs from the plaintiffs therein and agreed that the plaintiffs are the owners and possessors of the above properties. They contended that the 3rd respondent conducted an enquiry and reported to the 2nd respondent by letter dt.07-06-2011 mentioning about the compromise decree and stating that his personal inspection of the property revealed that the land is vacant with a sign board that it belongs to one Santosh Reddy , that there is no evidence or trace of any damage done to the property, and the Revenue records revealed as under:

Pahani Year	Sy.No.	Pattadar	Possession
Chesal pahani 1955-58	25-Inam patta 27-Inam Patta 58-Reddygari Bavi Patta	Singireddy Ram Reddy, S/o.Ram Reddy	Singireddy Ram Reddy, S/o.Ram Reddy

1973-74	25-Inam patta 27-Inam Patta 58-Reddygari Bavi Patta	Singireddy Ram Reddy, S/o.Ram Reddy Singireddy Ram Reddy, S/o.Ram Reddy	
1989-90	25-Reddygari Bavi Patta	Singireddy Ram Reddy, S/o.Ram Reddy, Singireddy Ram eddy,S/o.Ram Reddy	Singireddy Ram Reddy, S/o.Ram Reddy, Singireddy Ram Reddy,S/o.Ram Reddy
	27-Gadigadda patta	-Do-	-Do-
	58-Reddygari Bavi patta	S.B.Prem Kumar S/o.S.Balram	S.B.Prem Kumar S/o.S.Balram

9. It was further stated that pursuant to F.I.R.No.150 dt.24-04-2009 lodged by the petitioner, a charge sheet was also filed against the accused, but the Special Judge for trial of offences under the Act-cum-Additional Metropolitan Sessions Judge, Secunderabad by judgment dt.09-03-2011 in S.C.No.14 of 2010 acquitted the accused and gave a finding that the petitioner failed to prove his title. The respondents contended that in view of these facts, the petitioner did not sustain any loss. They contended that the property was again inspected by 3rd respondent on 15-03-2012 along with Surveyor and Tahsildar, Tirumalagiri and it revealed that the land was divided into four parts; in the 1st part, one Narasimha Yadav constructed a house in 1997; in the 2nd part, one Nagi Reddy was residing for the past 14 years; in the 3rd

part, S.Pandu Ranga Reddy constructed a house after judgment was delivered in S.C.No.14 of 2010; and the 4th part is vacant on ground and it belongs to one S.Malla Reddy. The respondents contend that basically there is a civil dispute and unless there is a decree in favour of petitioner conferring absolute rights in the property, it is not possible to make any recommendations for payment of compensation for the alleged atrocity perpetrated under the Act. They therefore prayed that the Writ Petition be dismissed.

10. Along with the counter-affidavit, reports of the 3rd respondent as well as the Award passed by the Lok Adalat on 04-12-2010 along with the terms of compromise have been filed. The judgment dt.09-03-2011 in Spl.S.C.No.14 of 2010 acquitting the accused in the case filed by petitioner has also been filed.

11. When these documents were confronted to the petitioner, he contended that the finding of the Criminal Court that the prosecution failed to establish petitioner's title over the disputed land is incorrect, and that he intends to challenge the said judgment of the criminal Court by way of appeal. He did not dispute the fact that under the terms of compromise dt.04-12-2010 in O.S.No.554 of 2010 by the Lok Adalat, he and his brothers had received a sum of Rs.25.00 lakhs from S.Malla Reddy and others in respect of 3 bits of land of extent 550, 100 and 1000

square yards in Sy.No.58 respectively and conceded that the title belongs to plaintiffs in the said suit and the plaintiffs alone were in possession thereof.

12. Since these documents relied upon by respondents have not been disputed by petitioner, and since this Court in this Writ Petition cannot adjudicate the contention of petitioner that he has title to the extent of Ac.1.00 in Sy.No.58 as alleged by him, I am of the opinion that no relief of either recovery of possession or payment of compensation amount to the tune of Rs.4.8 crores as claimed by petitioner, can be granted in this Writ Petition.

13. Therefore the Writ Petition fails and it is accordingly dismissed. No costs.

14. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-07-2016

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