

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.25109 OF 2009

ORDER:

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

2. This Writ Petition is filed by the Sarpanch, K. Gandhavaram Gram Panchayat, Chodavaram Mandal, Visakhapatnam District, aggrieved by the order, dated 06.07.2009, wherein, the appeal filed by respondent No.3 against the cancellation of Land Possession Certificate (L.P.C.), dated 05.01.2008, was disposed of with a direction to the Tahsildar to issue fresh L.P.C. in the name of Mareduboodi Lakshmi, as requested by respondent No.3.

3. It is the case of the petitioner that after allotting house sites by the Government, an extent of Ac.0-05 cents of land covered by Survey No.49 of M. Kothapalli Village was kept vacant and there was a proposal to construct a Community Hall in Ac.0-01 cent of land. But, respondent No.3, without disclosing that he was assigned a site and a house in S.C. Colony, illegally obtained L.P.C. in respect of the subject land from the Revenue officials by misleading them. On a report submitted by him, respondent No.2 vide proceedings, dated 14.10.2008, cancelled the L.P.C., dated 05.01.2008, issued to

respondent No.3. However, before cancelling the same, respondent No.2 vide proceedings Rc.No.150/08/A, dated 14.08.2008, allotted alternate site to respondent No.3 on 05.03.2008 and respondent No.3 has accepted the same and vacated the subject land by occupying the site assigned to him subsequently on 05.03.2008. Suppressing the above facts, respondent No.3 filed appeal against the cancellation of L.P.C., and the same was disposed of by impugned order, dated 06.07.2009. Aggrieved by the same, the present Writ Petition is filed.

4. Counter affidavit is filed by respondent No.2 stating that an extent of Ac.4-39 cents of land covered by Survey No.49 of M. Kothapalli Village was acquired for the purpose of Social Welfare Weaker Sections Housing Scheme, out of which, an extent of Ac.0-05 cents of land was excluded for communal purpose and in this part of communal land, an extent of Ac.0-01 cent of land was under the occupation of respondent No.3, who has also been issued L.P.C. by the then Tahsildar, Chodavaram, but subsequently, the same was cancelled vide proceedings, dated 14.10.2008, and on filing appeal, respondent No.1, by impugned order, dated 06.07.2009, disposed of the same by directing the Tahsildar to issue fresh L.P.C. in favour of one Smt.

Maruduboodi Lakshmi, who is the daughter-in-law of respondent No.3. It is also stated that respondent No.3 has been considered as beneficiary under Indiramma Housing approved by the A.P.S. Housing Corporation and the petitioner is fully aware of it. It is also stated that Smt. Maruduboodi Lakshmi belongs to Scheduled Caste (Below Poverty Line) and as she was eligible for assignment, L.P.C. was issued to her. It is also stated that the list of beneficiaries was openly selected by the housing authorities of the Village themselves and Sarpanch is also one of them and the list was sent for approval through the Collector (Housing), Visakhapatnam. It is also stated that the L.P.C. holders were supplied with cement and steel from State funds and houses were built up to lintel level at the cost of the Government. It is also stated that it is not feasible to construct a Community Hall in Ac.0-01 cent of land as Village elders, people and officials, on visit, sit together to discuss village development action plans and the minimum space required for constructing a community hall would be between Ac.0-07 cents and Ac.0-10 cents. It is also stated that as the house in the subject land was built at the cost of the Government, the question of handing over the same to anybody else is not acceptable or legal and therefore, sought to dismiss the Writ Petition.

5. In this case, this Court has observed that Gram

Panchayat is not a petitioner, the State of Andhra Pradesh is also not a party and petitioner being Sarpanch represented by somebody else is also not in accordance with law. The Gram Panchayat can be represented by an Executive Officer or Sarpanch, but the Sarpanch cannot be represented by an individual. Further, by the impugned order, L.P.C. was ordered to be issued in favour of one Smt. Maruduboodi Lakshmi, but she is also not made as a party to the Writ Petition. On these grounds, the Writ Petition is liable to be dismissed. Even on merits, it is duly explained in the counter that Smt. Maruduboodi Lakshmi is an eligible beneficiary belonging to Scheduled Caste Community under Below Poverty Line and was selected for grant of L.P.C. Further, the petitioner being a Sarpanch has not brought to the notice of this Court how the grant of L.P.C. in favour of Smt. Maruduboodi Lakshmi is illegal. In view of the facts and circumstances of the case, I do not see any merit in this Writ Petition.

6. Accordingly, the Writ Petition is dismissed. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

REDDY, J
February 22, 2016
MD

A. RAJASHEKER

