

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17894 OF 2015

ORDER:

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The case of the petitioner is that the her husband was allotted land to an extent of Ac.0-50 cents situated at Sy.No.448/3 of Paritala Village, Kanchikacherla Mandal, Krishna District under the land less poor quota and the he invested lot of money for developing the site. The petitioner's husband is in peaceful possession and enjoyment from the date of allotment. After demise of her husband, the petitioner is in peaceful possession and enjoyment of land and paying tax to the Government. The petitioner does not have any property except the said land and the respondents 3 and 4 are trying to dispossess the her without following due process of law. As such, the present writ petition is filed.

Counter is filed by the 3rd respondent stating that R.S.No.448/3 of Paritala Village of Kanchikcherla Mandal is in Krishna District is classified as "Smasanam (Government Land)" as per Fair Land Register (FLR) of the village. The total extent of the Survey Number is Ac.1-60 as per record and the petitioner has encroached an extent of Ac.0-50 cents of government land and the same was noted in the Village Accounts and collected penalty for the Fasali 1418 in the year 1998. There is no evidence that the petitioner cultivated the said land after fasli 1418. During enquiry the 3rd respondent found that the 4th respondent has utilized some portion of land as playground opposite to the land in question and he was warned not to enter in Government land. In view of the same, sought for dismissal of the writ petition.

It is to be seen that though the petitioner claims that the land was allotted to her husband, no document is filed to show any land was allotted to the husband of the petitioner except some Xerox copies of receipts, which are not legible. No documents are filed in support of the case of the petitioner. Even according to counter, penalty amount was collected for encroaching in the year 1998. There is no documentary

evidence to show that the petitioner is in possession as on today. More so, in the counter it is categorically stated that the subject land is classified as 'Smasanam (Government land)' as per Fair Land Register. No reply affidavit is filed disputing the averments in the counter affidavit.

In view of the same, I do not see any ground to entertain the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

21-04-2016
Nvl