

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25209 OF 2014

ORDER:

It is the case of the petitioner that her husband was in possession and enjoyment of the lands to an extent of Ac.02-26 and 0.04 hectares in Sy.No.17/2 and 17/3 situated at Venkatapuram village and Mandal, Khammam District for the last more than 60 years. After death of her husband, the petitioner's name was recorded in revenue records i.e. Pahani Adangals from 2003-2004 and 2010-2011. A case was also registered on petitioner's name in Case No.5866 for granting Ryotwari patta under Andhra Pradesh Mahals (Abolition & Conversion) into Ryotwari Regulation 1 of 1969. The same was rejected on 18-02-1976 holding that the petitioner was in possession and enjoyment of lands, since she has no title patta cannot be granted. Though the petitioner is in possession as patta was not granted, the 3rd respondent is interfering with her possession without following due process of law. Aggrieved by the same, the present writ petition is filed.

Counter is filed by the 3rd respondent alleging that the petitioner or her husband was not in possession of the subject land and as per the record the schedule land is Government Banjara land. The claim of the petitioner for grant of patta is rejected, since she failed to satisfy the conditions laid down in Regulation 1/69. Hence, the question of evicting the petitioner under Land Encroachment Act does not arise. Hence sought for dismissal of the writ petition.

Learned counsel for the petitioner submits that even the order rejecting claim for grant of patta passed on 18-02-1976 shows that the petitioner is in possession of subject land. In the counter there is no indication when the petitioner was evicted and even the revenue records pahani adangals from 2003-2004 and 2010-2011 shows the petitioner was in possession of the subject land.

Learned Assistant Government Pleader for Revenue submits that the land is not cultivable and as the petitioner is not in possession of the subject land, her application for grant of patta was rejected and said order became final.

It is to be seen that in the order passed by the Settlement Officer on 18-02-1976 the claim of the petitioner for grant of ryotwari patta is rejected, however the authority found that the petitioner is in possession. The counter does not indicate when the petitioner was evicted, though the possession of the petitioner was disputed. It is also stated that the subject land is under Tribal area. In view of the facts and circumstances of the case, there shall be status quo obtaining as on today in respect of subject land. However, this will not preclude the competent authority from taking appropriate action against the petitioner for eviction by following due process of law.

Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY,J

12-04-2016
Nvl

