

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 856 of 2008

Order:

The petitioner states that the land of an extent of Ac.0-26 gts., in Survey No.1, situated at Machinenipeta village, Julurpad Mandal, Khammam District, belongs to one Choppakatla Krishna Murthy. The said land was acquired by the maternal uncle of the petitioner. The name of the maternal uncle of the petitioner was recorded as the person in possession of the said land from the year 1964-65. Out of Ac.0.26 gts., of land only Ac.0.18 gts., remained in possession of the joint family of maternal uncle of the petitioner, as some land was left for roads and 'Boddurai'. Ac.0.18 gts., of land was allotted to the share of the mother of the petitioner and it was given to the petitioner at the time of her marriage with one Sanam Gopaiah. They erected a thatched house in the said land and were residing therein. The Gram Panchayat, Machinenipeta, assigned Door No.1-76 to the said thatched house. In the Panchayat records the name of the husband of the petitioner was recorded as owner of the thatched house. Out of the said extent of Ac.0.18 gts., an extent of Ac.0.04 gts., was donated to the Government for construction of a School towards eastern side and they are having only Ac.0.14 gts., of land. When the subordinates of the second respondent came to the land on 22.12.2007 and made attempts to measure the land pursuant to an order in LTR Case No.735, 679/94/JLP, dated 03.06.1997, the above writ petition was filed.

2. Learned counsel for the petitioner submits that in LTR Case No.735, 679/94/JLP, dated 03.06.1997, the proceedings were taken in the name of one Chakali Atchaiah against Sannam Chandraiah and

Sanam Stayanarayana in respect of the land an extent of Ac.0.23 gts., in Sy.No.137 and Ac.0.18 gts., in Survey No.1. The said land to an extent of Ac.0.18 gts., in Sy.No.1 does not belong to the persons mentioned in the order.

3. If the petitioner is aggrieved by the order passed by the first respondent - Special Deputy Collector in respect of the land claimed by the petitioner, the petitioner would have availed the remedy of appeal, even though the petitioner was not arrayed as a party. The order passed by the first respondent is an appealable order to the Agent to Government. Since the claim of the petitioner involves investigation into the facts, this Court is not inclined to entertain the present writ petition, but gives liberty to the petitioner to file an appeal to the Agent to Government, Khammam District, within a period of three (3) months from the date of receipt of a copy of this order and, in the meanwhile, the order, dated 22.01.2008, passed by this Court to maintain *status quo* with regard to possession in respect of land admeasuring Ac.0.14 gts., in Survey No.1 of Machinenipeta village, Julurpad Mandal, Khammam District, will continue. If the petitioner does not file an appeal within the said time the order of eviction passed in the LTR Case No.735, 679/94/JLP, dated 03.06.1997, can be implemented.

4. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 11.03.2016
Nsr

RAMALINGESWARA RAO, J.