

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.13416 of 2012

ORDER :

The Writ Petition is filed seeking to issue a writ, order, or direction, more particularly one in the nature of writ of *mandamus* declaring the action of the respondents in making construction in the petitioner's land admeasuring Ac.5.11 cents in Sy.No.151-H of Mechiri Village, Rayadurg Mandal, Anantapur District, without acquiring it under the provisions of Land Acquisition Act, 1984, nor resuming it under the provision of assignment act, as illegal and arbitrary.

It is the case of the petitioner that petitioner's grandfather Mr.Chinna Beemaiah is the absolute owner and possessor of the agriculture land to an extent of Acs.5.11 cents in Sy.No.151-H of Mechiri Village, Rayadurg Mandal, Anantapur District. The said land was assigned to petitioner's grandfather 35 years back by the Tahsildar and from then onwards petitioner's grandfather enjoyed the said land without any interference from any quarter. As petitioner's grandfather Chinna Beemaiah has no issues, the petitioner was adopted as grandson of said Chinna Beemaiah. After the death of Chinna Beemaiah, the petitioner continuing in possession and enjoyment of the said land. However, when the 5th respondent trying to dispossess the petitioner, the petitioner gave representation to the 2nd respondent and also to the 4th respondent. The 5th respondent is now making construction in the aforesaid land. Aggrieved by the same, the present writ petition is filed.

The counter is filed by respondent Nos.1 to 4 stating that the then Mandal Revenue Officer, Rayadurg has enquired into the matter and submitted proposals to the Revenue Divisional Officer, Dharmavaram with a request to give permission to resume the subject land, as the original assignees died long back and they have no legal heirs. The Revenue Divisional Officer, Dharmavaram, has inspected the above land and submitted proposals to the District Collector, Anantapur, on 10-05-2001 requesting for resumption of the subject land to the Government for allotment of house sites to the houseless poor beneficiaries in Mechiri Village, as no vacant Government lands are available in the village. On 18-05-2001, the District Collector, Anantapur directed the Mandal Revenue Officer, Rayadurg to resume the subject land. Accordingly, the subject land was resumed on 05-06-2001. Later, 157 beneficiaries have been identified in the Grama Sabha and house sites have been allotted in 2001. Out of 33 beneficiaries of Mechiri Village, 19 beneficiaries have been sanctioned pucca houses by the Rural Development Trust, Anantapur. They have completed construction work up to basement.

It is further submitted in the counter that the subject land is classified as Government Dry and it was originally assigned to one, Sri Dasari Bheemaiah (Boya) 47 years back at free of cost. He died 18 years back and his wife also died 15 years back. They have no issues and no legal heirs. The petitioner is not adopted son of original assignee Sri Dasari Bheemaiah and he never adopted anybody, but had elder brother Sri Pedda Bheemaiah and one younger brother Sri Anjanaiah and both of them are also no more. After the demise of Sri Dasari Bheemaiah i.e., original assignee of the

subject land, sons of Sri Pedda Bheemaiah and Sri Anjanaiah have apportioned the subject land. The land in Sy.No.151-I, extent : 5.07 acres was originally assigned to Sri Pedda Bheemaiah 46 years back. Both sons of Pedda Bheemaiah are married and living separately. In addition to the land inherited from their father, they are enjoying the land in Sy.No.151-H.

It is further stated in the counter that Sri Shyam Raj, son of Anjanaiah has got lands in Sy.No.151-G, extent : Acs.5.06 which was inherited from his father. This land was originally assigned to his father in D.A.No.590/66 i.e., 46 years back. In addition to this land inherited from his father, he is enjoying the land in Sy.No.151-H, extent : 2.50 Acres. The Gram Sarpanch and some of the villagers have complained that they are not cultivating this land. They are using this land for Hayricks and requested to resume this land to Government for allotment of house sites. Therefore, the then Mandal Revenue Officer, Rayadurg, has submitted proposals for grant of permission to resume the land in Sy.No.151-H, extent : 5.11 acres for allotment of house sites and resumed the same in office Rc.No.8 of 2000, dated 5-6-2001 as per the directions of the District Collector, Anantapur, issued in D.Dis.No.(E1)3311/2001, dated 18-05-2001. Granting of D-Form Patta to the petitioner and possession of the petitioner were disputed.

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

Though the petitioner claims to be adopted grandson, no material is filed and the said aspect is also disputed in the counter-affidavit. More so, already resumption orders are passed and house site pattas were also granted

to beneficiaries. Further, no reply-affidavit is filed disputing the contents of counter. In view of the same, I do not see any merit in the Writ Petition and it is accordingly dismissed. However, this will not preclude the petitioner from challenging the resumption orders. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

A. RAJASHEKER REDDY, J.

Date: 15.11.2016

skmr

