

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.7982 OF 2008

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondent in not considering the petitioner's application for assignment of Ac.0.02 cents of house site in Sy.No.198/4 of Puttur Village and Mandal, as illegal and arbitrary and for a consequential direction to the respondents not to dispossess the petitioner from the said house site.

The case of the petitioner is that she is a poor house hold lady and her husband is a retired constable and eking out their livelihood on meagre pension of her husband along with unemployed children. The petitioner is in occupation of 0.02 cents of Government land in Sy.No.198/4 of Puttur Village, which is known as Ammuvarikunta since more than 30 years and raised zinc sheet house and later converted as thatched house. The case of the petitioner is that she made an application to the 1st respondent on 02.08.2004 stating that she is in occupation and enjoyment of 0.02 cents of land in Sy.No.198/4 by raising a thatched house and requested to assign the said land in her favour for market value. Basing on the representation the 1st respondent by his letter dated 20.01.2005 requested the 2nd respondent to take necessary action and the 2nd respondent also sent a detailed report to the 1st respondent. But, the same is not being considered by the 1st respondent. Aggrieved by the same, present writ petition is filed.

The respondents filed counter contending that petitioner was

the Municipal Ward Counselor of 13th ward of Puttur Municipality and her husband is a retired constable in the Police Department and that the house site for which the petitioner requested for patta is a water course poramboke and is classified as Gunta Poramboke in the revenue records. They have denied that the petitioner is having occupation in the subject land for more than 30 years. It is also stated that the petitioner illegally occupied the subject land and constructed a zink sheet house and that the TTD constructed a Kalyanamandapam in S.No.198/4 after taking permission from the Government, after change of classification of the land. It is further stated that the petitioner filed OS.No.60/93 before the Principal District Munsiff Court, Puttur and the same was dismissed, and against the same the petitioner filed an appeal before the Senior Civil Judge, Puttur. The possession of the petitioner is also denied and finally sought for dismissal of the writ petition.

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

Since it is stated that the report submitted by the 2nd respondent is pending before the 1st respondent, without going into the merits of the case, it is suffice to issue direction to the 1st respondent-District Collector, Chittoor District to take appropriate action on the report submitted by the 2nd respondent in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is to be noted that this Court has not expressed any opinion on merits of the matter. It is for the R1 to take appropriate action as per law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

15.03.2016
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