

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.17042 of 2012

ORDER

It is the case of the petitioner that his father succeeded to 1/4th share in an extent of Ac.154.78 cents of dry land in Sy.No.202, situated in Kurrapalle Village, H/o Karasanapalle Village, Pedda Panjani Mandal, Chittoor District. He states that his father succeeded to the said property under a Will dated 14.04.1929. It is also his case that his mother also purchased another 1/4th share from the co-sharer under a sale deed dated 27.08.1960. The said land was wrongly classified as "Assessed Waste Land". Hence, his father filed a petition before the Additional Assistant Settlement Officer, Chittoor and the same was rejected *vide* order dated 14.4.1962. However, the Principal Assistant Settlement Officer, Chittoor, had conducted *suo motu* enquiry under the provisions of the Estates Abolition Act, 1948 and issued Rough Patta bearing No.174, dated 9.6.1962 in respect of the said land in favour of the father of the petitioner. The application filed by his father and other co-sharer for implementation of the said Rough Patta properties and other properties, is still pending before the Joint Collector-cum-Settlement Officer, Chittoor. While so, the Government dug a channel over some extent of the said land under "Handree Neeva Srujala Sravanthi" without initiation of land acquisition proceedings. When cheques were prepared for payment of *ex gratia* to the assignees, the present writ petition is

filed seeking a direction to the respondents to deposit the compensation amount to be paid for the land to an extent of Ac.23.15 cents in Sy.No.202 of Kurrapalle Village, H/o Karasanapalle Village, Pedda Panjani Mandal, Chittoor District, to the credit of O.S.No.103 of 2008 on the file of the Principal Junior Civil Judge, Punganur, Chittoor district or any Nationalized Bank and not to disburse the amount to the unrelated persons.

This Court by order dated 11.6.2012 granted interim direction not to disburse the compensation amount pending disposal of the writ petition and the said order has been in operation till today. Seeking vacation of the said order, WVMP No.4545 of 2012 was filed along with counter-affidavit stating that the petitioner is no way connected with the schedule property and he is not in possession and enjoyment of the same and that the entire extent in Sy.No.202 was originally classified as UAW as per fair adangal of Kurrapalle Village in Karasanapalle Group and it was subsequently assigned to various persons. Out of the total extent, Ac.22.31 cents of land has been acquired for the purpose of excavation of HNSS Canal. The Tahsildar, Peddapanjani, has cancelled the DKT pattas as per condition No.17 of D.Form Patta and resumed the lands to the Government for public purpose i.e., for excavation of HNSS Canal. When proposals were prepared for payment of *ex gratia* to the DKT Pattedars, the petitioner filed the present writ petition.

In view of the above facts, it is clear that the petitioner is claiming the above land in Sy.No.202 situated at Kurrapalle Village, Pedda Panjani Mandal, Chittoor District. His application for implementation of the Rough Patta is pending before the Joint Collector and as on today, no patta was issued in his favour.

It is the case of the Government that the land to an extent of Ac.22.31 cents in Sy.No.202 was classified as UAW. DKT pattas were issued to 15 persons and their pattas were cancelled when the land was sought for excavation of canal under HNSS scheme. There is a proposal pending for payment of *ex gratia* to the DKT pattedars.

Since the title to the land is in dispute between the petitioner and the Government, this Court is not inclined to decide the same and the matter is remanded to the 1st respondent by giving liberty to the petitioner to file appropriate claim petition seeking compensation for the land already used for excavation before the 1st respondent, who shall consider the same as against the claim of Tahsildar, who says that DKT pattas were issued to the assignees and they are entitled for the *ex gratia* amount. Till a decision is taken by the 1st respondent, no *ex gratia* amount to be paid to any party. The petitioner is given four weeks time from the date of receipt of a copy of this order to file appropriate claim petition, failing which, it is open to the authorities to pay the *ex gratia* amount.

Accordingly, Writ Petition is disposed of. No costs.

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

JUSTICE A.RAMALINGESWARA RAO

16th November, 2016
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