

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.32934 OF 2011

ORDER:

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

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the inaction of respondents 1 to 4 in considering the representation, dated 15.11.2011, made by the petitioner seeking patta pertaining to the land in Sy.No.12 of Malkaram village, Shameerpet Mandal, Ranga Reddy District admeasuring Ac.5.00 Gts., and trying to dispossess the petitioner from the subject land without following due process of law as illegal and consequently, to declare that the petitioner is entitled to grant patta in terms of the order of this Court in the Writ Petition No.17741 of 2009 and Batch.

3. The averments in the affidavit would show that the Government of Andhra Pradesh allotted land to an extent of Ac.5977.00 Gts., of agricultural land situated at Jawaharnagar Village in favour of the Labour Department for rehabilitating the ex-service men and the landless poor. As there was mismanagement by the Society, the entire land was handed over to the Jawaharnagar Land Colonization Society, which was incorporated among the beneficiaries for allocating the land among its members. It is said that as the petitioner is one of the members of the said Society and landless Scheduled Caste poor person, he was allotted the land to an extent of Ac.5.00 Gts., in Sy.No.12 of Malkaram Village, Shameerpet Mandal, Ranga Reddy District and

possession was delivered in the year 1974. After receiving membership amount, a receipt, and an allotment letter, dated 07.04.1974 were also issued in favour of the petitioner. It is further said that at the time of allotment of land, the land was completely barren and with a great difficulty he put the land to use. On coming to know that the Government has resumed the entire land by cancelling the allotment without issuing any notice to the petitioner, who was in possession of the same, the present writ petition is filed.

4. Sri D.Devuja, who was working as Tahsildar, Shameerpet Mandal, filed Counter affidavit on behalf of the 3rd respondent denying the averments in the writ affidavit. He further stated that as per revenue records of Jawaharnagar Village, Sy.No.12 measuring Ac.720.10 Gts., is recorded as Poramboke 'Sarkari'. In the list of 149 JCLCS members furnished by the Taluka Co-operative Officer, Medchal and in the list of 102 beneficiaries, in whose favour 'D' Form patta certificates prepared by the then Tahsildar, Medchal Taluq, the name of the petitioner was not found. Hence, it is stated that the question of allotment of plot to the petitioner in the said survey number is incorrect and false. He further submits that even consideration of the representation made by the petitioner would not arise since the said representation is bereft of even endorsement of receipt of the same by the authorities.

5. A perusal of the record shows that the representation, dated 15.11.2011, does not contain the endorsement of any of the respondent or authority as to when, where and before whom the said application was presented. Therefore, a doubt arises as to

whether really the petitioner has presented the said representation with the respondents.

6. It is represented by the learned Government Pleader for Revenue that the petitioner is seeking a direction in respect of which property, pattas have already been handed over to HMDA long back and hence, the request cannot be considered.

7. Though various grounds are raised in the affidavit filed in support of the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to the respondents to dispose of the representation, dated 15.11.2011, made by the petitioner, which is pending consideration for grant of patta, in accordance with law.

8. For the aforesaid reason, the request of the learned counsel for the petitioner to direct the 3rd respondent to consider the representation, dated 15.11.2011, can not be accepted. However, if the petitioner is so advised he can make a fresh representation with the appropriate authority, in which an event, the same shall be dealt in accordance with law.

9. Accordingly the Writ Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:27.01.2016
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