

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40250 OF 2012

ORDER :

The case of the petitioner is that petitioner's wife's grandfather was assigned the land admeasuring Ac.5-02 guntas of land situated in Sy.Nos.192 & 194 of Koyachalaka Village, Khammam Urban Mandal, Khammam District, in the year 1960 and ever since he has been cultivating the same. Pattadar passbooks are also issued to the said extent. It is also stated that the surrounding lands have been resumed by the respondents under the pretext that the concerned assignees have not been cultivating the said lands. But the land of the petitioner is always under cultivation and he has not violated any of the assignment conditions. The respondents without following due process of law highhandedly took possession of petitioner's land, removed the standing cotton crop. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 3rd respondent denying the contention of the petitioner that the grandfather of the petitioner's wife was assigned land. It is stated that the land in Sy.No.192 is a Government land, whereas the land in Sy.No.194 is ryotwari patta land. On verification of the ROR confirmation Register, it is found that no land was assigned to the petitioner's wife's grandfather and it is found in 1B register that the pass book was issued for an extent of Ac.4-00gts in Sy.No.192 with overwritings. It is also stated that the pattadar pass books and title deeds will be issued after due enquiry and basing on the entries in the confirmation

register, which goes to show that the pattadar pass books said to have been issued to the grandfather of the petitioner's wife is obtained fraudulently from the revenue authorities. It is further submitted that the land to an extent of Ac.1-02 gts in Sy.No.194 was sold to one Mandadapu Sugunamma through registered sale deed bearing No.15480/02 and vendor was also granted pattadar pass book and title deed in respect of the same. The assignments made in favour of some eligible persons in Sy.No.192 of Government land were resumed by the respondent authorities for violation of assignment condition under the provisions of A.P.Assigned Lands (Prohibition of Transfer) Act, 1977 duly giving notice. Since on enquiry by the Village Revenue Officer, it is found that no assignment was granted to the petitioner's wife's grandfather nor father of the petitioner's wife, the question of issuing notice, resuming of land and payment of compensation does not arise and sought for dismissal of the writ petition.

Learned counsel for the petitioner submits that the respondents should have followed the due process of law before cancellation of assignment.

Learned Assistant Government Pleader for Revenue submit that the land in Sy.No.194 is a private land, as such the question of granting assignment does not arise. As far as the land in Sy.No.192 is concerned, no proof is filed by the petitioner to show that petitioner's wife's grandfather was assigned any land. Therefore, in the absence of the same, the question of cancellation of so called non-existing patta does not arise.

In this case, it is to be seen that petitioner is claiming the subject land on the ground that the same is assignment to his wife's grandfather but admittedly no copy of patta or any other revenue records is filed in proof of their contention to show that the petitioner's wife's grandfather was in possession of the said land from the year 1960 and no reply affidavit is filed. When the land in Sy.No.194 is ryotwari patta land, question of granting assignment does not arise. It also goes to show and fortifies the case of the respondents that no patta was granted to ancestors of the petitioner. In the absence of original patta, the question of cancellation of patta does not arise. It is also observed in the counter that the land to an extent of Ac.1-02 gts in Sy.No.194 was sold to one Mandadapu Sugunamma through registered sale deed bearing No.15480/02 and the same is not disputed.

In view of the above facts and circumstances, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

06.12.2016

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