

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.24530 OF 2004

ORDER:

The petitioners have filed this writ petition questioning the action of the respondents in interfering with the alleged lawful possession of the petitioners and other purchasers in respect of the site admeasuring Ac.41-88 cents in Sy.Nos.307 to 324 of Kothalagunta, hamlet of Eeswaravaka Village, Chittamur Mandal, Nellore District, and they seek a direction to the respondents not to interfere with their lawful possession of the subject land.

2. According to the petitioners, an extent of Ac.205-80 cents in Sy.Nos.307 to 324 was Inam land and one Alladi Venkatrayalu Sastry was given an Inam for the said land. The petitioners alleged that the said land was divided into 16 veesams by his legal heirs and certain sales were also affected out of this portion. The petitioners alleged that Ac.163-92 cents was under cultivation by various persons, that the remaining Ac.41-88 cents was covered by the tank, that some land was kept for grazing and communal purpose for cattle, that this belongs to the 16 legal heirs and that no other person has got any vested interest in the land. The petitioners contend that some harijans in the village applied for assignment of this land under mistaken belief that it is Government land, but the land owners gave a representation dated 31.8.2004 with supporting documents stating that it is Inam land and the third respondent addressed a letter dated 12.9.2004 to the District Collector, Nellore stating that it was not possible to assign this land to harijans. They contend that the Village Panchayat Secretary also verified the village records and gave a statement before the Station House Officer, Chittamur Mandal, Nellore District on 31.8.2004 that the land was not Government land, and that he subsequently directed the petitioners also

not to enter into the vacant land and that is why the writ petition was filed.

3. The respondents filed counter-affidavit contending that Inam Deputy Tahsildar issued proceedings in RC.11795/87, dated 2.2.1988 under Section 2-A of Andhra Pradesh Inams (Abolition & Conversion into Ryotwari) Act, 1956 (for short, 'the Act'). Under the said provision of law, all poramboke lands, communal lands and waste lands in the village were declared as Government lands, and that if the petitioners had any right in the said land they ought to have filed claims under the Act for issuance of ryotwari pattas.

4. The respondents, contended that the petitioners themselves admitted that the land was covered by the tank and a portion of said land was kept for grazing and communal purposes, and so provisions of Section 2-A of the Act would be attracted and the land would be vested in the Government and no other person has any right therein. It is further stated that when a representation was made by Scheduled Castes and Scheduled Tribes of Kothalagunta Village for issuance of pattas in that land to the Mandal Revenue Officer and to the District Collector, Nellore, a report was sought from the Mandal Revenue Officer, Chittamur, but the land in SyNos.307 to 324 was kept blank and no enjoyment was recorded since the land vested in the Government. It further stated that though the Mandal Revenue Officer, Chittamur addressed a letter to the District Collector, Nellore on 12.9.2004 that the land was not Government land and seeking instructions whether pattadar pass books in respect of the land issued or not, the District Collector had instructed, by proceedings dated 17.1.2005 to keep the land as grazing land poramboke only and retain the land since it was vested in the Government.

5. Reliance was placed on the order dated 2.2.1988 and it is stated that because the land claimed by the petitioners is partly tank, partly site and partly used for grazing, Inam Tahsildar has not given ryotwari pattas to the petitioners in respect of the said land and that he had given ryotwari pattas for other lands, which would fall under the category of ryoti lands. It is stated that the petitioners, if aggrieved by the decision of Inam Deputy Tahsildar under Section 2-A of the Act, ought to have filed appeal before the Revenue Divisional Officer, Gudur and they did not avail this remedy and 15 years later they filed the writ petition. It is stated that the Panchayat Secretary was not entitled to issue a statement that the disputed lands are not Government lands as they belong to 16 Inamdars since he was subordinate to the Mandal Revenue Officer and was not an independent officer to give statements without instructions of the Mandal Revenue Officer.

6. When the counsel for the petitioners insisted that the order in Rc.No.11795/1987, dated 2.2.1988 be produced, this Court asked the learned Government Pleader to produce the record, but on verification of the record the learned Government Pleader informed that the said order was destroyed in the year 2001 in usual course. He, however produced, the proceedings in RC.I.11795/87, dt. 31.5.1989 of the Special Deputy Tahsildar (Inams), Office of Tahsildar, Nellore referring to the order dated 2.2.1988 issued under Section 2-A of the Act vesting communal land and poramboke etc., in the Government and granting ryotwari pattas in respect of the other lands as per the provisions of the Act. The names of the petitioners figure in the said order. If the petitioners were aggrieved by the said order, they should have questioned the same before the appellate authority under the Act, and without doing so they approached this Court alleging interference by the respondents. In fact, the petitioners have not filed any document to show their interest in

Ac.41-88 cents claimed by them in Sy.Nos.307 to 324 or that they applied for ryotwari pattas in respect of this land covered by the tank in part and also used for grazing and communal purposes. They cannot dispute the fact that it would fall within Section 2-A of the Act and the said land vests in the Government.

7. Therefore, the petitioners are not only entitled to any relief in the writ petition since they have no right, title or interest in the land once it was vested in the Government under Section 2-A of the Act.

8. Writ Petition is accordingly dismissed. No costs.

As a sequel, miscellaneous petitions if any pending in the Writ Petition shall stand closed.

Dt. 07.02.2017
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M.S. RAMACHANDRA RAO,J