

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.3626 OF 2006

ORDER:

The petitioners claimed that they are landless and houseless poor and about 40 families occupied the land in an extent of land admeasuring Ac.02-42 cents in Sy.No.45/5, Ac.3-82 cents in Sy.No.34/12 and Ac.3-42 cents in Sy.No.35/5 of Daminedu village, Tirupati Rural Mandal, Chittoor District for the past 15 years and thus they filed a representation before the respondents on 27-01-2006 for grant of house site pattas in their favour. Further, they sought for a direction to conduct an enquiry in respect of D.K.T. Patta No.594/4/91, dated 20-12-1981 on the file of the Tahsildar, Chandragiri and cancel the same.

2. The 4th respondent filed a counter affidavit stating that the petitioners are not in occupation of the land Sy.No.45/5 in an extent of land Ac.2.42 cents and Sy.No.35/5 in extent of Ac.3.42 cents, but the said land was assigned in favour of one Chadavala Subbanna a political sufferer vide DKT Patta No.594/91.

3. Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

4. In the counter filed by the 4th respondent, it is categorically stated that patta has been granted long back in favour of

Chadavala Subbanna and since then, he has been in possession and enjoyment of the said land. The petitioners failed to bring the pattadar of D.K.T. Patta No.594/4/91, dated 20-12-1981 on record and he is not a party to the present writ petition and as such, no relief can be granted to that effect.

5. That being so, the relief sought in the writ petition to the effect of conducting enquiry or canceling the patta, is unwarranted and the said relief cannot be granted. In so far as seeking a direction to the respondents to consider the representation of the petitioners for granting house sites is concerned, the 4th respondent is directed to consider their representation in accordance with law, subject to their eligibility.

6. The writ petition is disposed of accordingly. No costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 17-11-2017
Shr

T.AMARNATH GOUD, J