

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7083 of 2017

ORDER:

The case of the petitioner is that petitioner is an Association and members of the petitioner-society belongs to Scheduled Caste, Scheduled Tribe and weaker sections and they have been allotted various plots to the extent of Ac.33-30 guntas in Sy.No.89 to 90 situated at Badangapet Village, Saroornagar Mandal and Ranga Reddy District and pattas were also distributed to the petitioners. It is also the case of the petitioner that revenue officials came to the site and threatened the members of the petitioner-society to vacate the houses. The petitioner submitted representation to the respondents 1 to 5. But no action has been taken. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner who submits that it is the duty of the State Government to protect the citizens and when the authorities are not taking action on the representations, this Court directed the authorities to take action on the representations.

On the other hand, learned Assistant Government Pleader for Revenue submits that once pattas are granted, if any interference is made by third parties, the petitioner cannot approach this Court by way of filing writ petition. He also submits that details as to who are the members of

the petitioner-society and what is extent allotted to them are not given by the petitioner and in case of interference is made by private parties, the petitioner has to approach civil Court by relying on the judgment of **Ch.Ramaiah v. District Collector, Mahaboobnagar District**¹.

In this case, the assertion of the petitioner that members of the petitioner-society were allotted house sites and the 6th respondent is interfering with their possession. No particulars of membership of petitioner are disclosed. It is not the case of the petitioner that there is any alienation attracting the violation of provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. This Court dealt with similar situation in the decision cited supra and wherein, this Court held as under:

“ After giving anxious consideration to the facts of this case, this Court is not able to understand as to how the provisions of the Act pressed into service in the factual background of this case. Admittedly, the petitioner left the village in search of livelihood and when he came back to the village, it was found that the fourth respondent encroached upon the land in Survey Nos.778/1 and 778/2. No allegation of any transfer of such land in favour of the fourth respondent by the father of the petitioner or the petitioner himself. In such an event, the provisions of the Act are not attracted. The petitioner, admittedly, had a possessory title as well as

¹ 2005(6) ALT 358

substantive right (see [Land Acquisition Officer-cum-RDO v. Mekala Pandu](#),). Therefore, when the possession of the owner/possessor is disturbed, it gives rise a cause of action to a suit for specific relief of permanent injunction or suit for possession simplicitor under [Section 5](#) of Specific Relief Act, 1963. Further, as the petitioner claims to be a person belonging to Scheduled Caste and as he is allegedly, wrongfully dispossessed by a person not belonging to Scheduled Caste or Scheduled Tribe, the same would amount to cognizable offence under [Section 3\(1\)\(v\)](#) of Scheduled Castes and [Scheduled Tribes \(Prevention of Atrocities\) Act](#), 1989 (the Act). Therefore, the petitioner has to seek redressal elsewhere and the writ petition is not maintainable. It is brought to the notice of this Court that the petitioner's representations dated 6-7-2005 and 1-8-2005 have not been disposed of by the respondents 1 to 3. Therefore, without waiting for the response from them, the petitioner is given liberty to approach the Civil Court and also lodge a complaint under [Section 3\(1\)\(v\)](#) of the Act. In this writ petition, no relief can be granted.

In view of the same, this Court is not inclined to entertain the writ petition and accordingly, the same is dismissed granting liberty to the petitioner to approach Civil Court as held by this Court in the above referred decision. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

15-03-2017

Nvl



