

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.18451 OF 2017

ORDER:

Heard Mr.Akkaam Eshwar for petitioner and the Assistant Government Pleader for Revenue.

The petitioner prays for Mandamus declaring the action of respondents in threatening and interfering with petitioner's peaceful possession and enjoyment of an extent Acs.1-00 in Sy.No.147 at Mallamgunta Village, Tirupati Mandal, Chittoor District, as illegal, arbitrary and unconstitutional. The petitioner prays for a consequential direction to restrain the respondents from interfering with petitioner's possession and enjoyment of subject matter of writ petition.

The case of petitioner is that she is in possession and enjoyment of the subject matter of writ petition and claims right, title or possession through her father-in-law Peruru Venkataramaiah. According to petitioner, Venkataramaiah worked as Village Servant and during his life time, he acquired properties to an extent of Acs.4-75 cents in Sy.No.147 at Mallamgunta Village, Tirupati Rural Mandal, Chittoor District. It is further averred that the State of A.P in the year 2000 has taken over Acs.4-75 cents in Sy.No.147 for allotment of house sites to weaker sections. The revenue officials promised to allot alternate land for the same extent. Finally, the 3rd respondent through proceedings Roc.No.C/192/92 dated 20.02.1994 granted lease of an extent of Ac.1-00 in Sy.No.147. The petitioner claims to be in possession of property ever since the

date of allotment. The petitioner relies upon a few letters to show that her case was recommended by the A.P. State Commission for Scheduled Castes and Scheduled Tribes. The cause of action for filing the writ petition is that in the second week of May, 2017, the subordinates of 3rd respondent tried to evict the petitioner from subject matter of writ petition without affording opportunity or assigning any reason. According to petitioner, the lease granted through proceedings dated 20.02.1994 shall be first recalled in accordance with law and thereafter the respondents can interfere with petitioner's possession and enjoyment. The actions now complained in the writ petition are not supported by authority of law or do not follow the procedure prescribed by law. Hence, the writ petition.

Before advertent to the objections raised by respondents, I prefer to consider the annexures on which the petitioner relies upon for proving grant and possession thereunder. The petitioner relies upon proceedings Roc.No.C/192/92 dated 20.02.1994 granting one year lease in Sy.No.147, which is classified as tank poramboke and communication dated 07.09.2014 addressed by 3rd respondent to 2nd respondent. The operative portion reads thus:

"However, it is submitted that the land in S.No.147 measuring 22.74 acres is classified as Tank Poramboke and the same was become defunct. Sri Peruru Venkataramaiah worked as Village Servant and she married his younger son Purushotham. During the life time of Sri Venkataramaiah, father-in-law of the applicant was in possession of the land and later her husband has succeeded the land. During the year 2000 the land was taken by the Revenue Authorities and allotted on house sites and at the time of taking possession of the land, the

revenue officials have promised to allot alternate land and the same was not materialized so far and hence requested to allot alternate land.

The matter has been examined and the enquiry reveals that the land is classified as Tank Poramboke and the same was allotted on house sites to the eligible persons and colonies were came up with the names of Ambedkar Colony, Rikshaw Colony and Vinayakanagar Colony. On field verification, only an extent of 0.50 cents is available and the same was handed over to the Tirupati Urban Development Authority, Tirupati for protection of government land for future needs. The applicant has not produced any documentary evidence in support of her claim even now as reported in this office report in the reference 3rd cited.

The applicant now requesting for allotment of land for house site purposes, which is now under the control of TUDA authorities. The applicant is a landless poor and having white ration card comes under BPL category and she belongs to SC community.

In the above circumstances, it is submitted for necessary instructions in the matter to take further action in the matter. Copy of the earlier report of this office and statement recorded from the applicant are submitted herewith for kind perusal".

and cist paid on 09.06.1998 for about six fasis.

The Assistant Government, basing on instructions dated 12.07.2017, submits that the petitioner is not in possession and enjoyment of any extent in Sy.No.147. The land in an extent of Acs.22-78 Cts in Sy.No.147 is classified as tank and locally called Mallamgunta tank. In respect of the tank, no proceeding at any point of time is issued. He, therefore, prays for dismissing the writ petition.

I have perused the affidavit and enclosures filed in the writ petition and taken note of the objections raised by the Assistant Government Pleader for Revenue. The case of petitioner is that the State of A.P has taken an extent of Acs.4-75 Cents in Sy.No.147 for providing house sites to weaker sections. The possession, it is alleged, was also taken from petitioner's father-in-law. The petitioner, without supporting documents, asserts that in lieu of taking over of land measuring Acs.4-75 cents in Sy.No.147 from petitioner's father-in-law, the 3rd respondent issued proceedings dated 20.02.1994. The explanation offered through the affidavit *prima facie* belies the contents of proceedings dated 20.02.1994. The proceedings dated 20.02.1994 stands in the name of petitioner. Assuming without admitting that proceedings dated 20.02.1994 was issued, the actual possession is not established of land allotted through proceedings dated 20.02.1994. On the other hand, the letter dated 07.09.2014, which is excerpted above, belies the enjoyment of petitioner of any extent in Sy.No.147. The payment of cist through Annexure P-6 is stray and isolated payment, not supported by any other document.

Hence, this Court is of the view that even without getting into the objections raised by the Assistant Government Pleader, I am satisfied the petitioner failed to make out a case for granting any relief. The documents relied upon by the petitioner do not clothe the petitioner either with right, title or possession of subject matter of writ petition.

The writ petition fails and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions stand closed.

12th July, 2017

Lrkm

S.V.BHATT, J

