

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.22569 OF 2009

ORDER:

The petitioner prays for the following relief:

“... this Hon'ble Court may be pleased to issue a Writ Order or direction, more particularly one in the nature of Writ of Mandamus declaring the notification issued by the 1st respondent under Sec.4(1) of the Land Acquisition Act, published in Sakshi Newspaper on 5.8.2008 proposing to acquire the lands of the petitioner in Sy.No.67/1A admeasuring Acs.0.91 cts situated in VKR Puram Village accounts ,Nagari Mandal, Chittoor District as arbitrary, discriminatory, unconstitutional and contrary to law and consequently set aside the said notification with all other consequential benefits and pass....”

The petitioner by referring to Section 4(1) notification dated 05.08.2008 contends that the respondents are showing the name of one Chenga Lakshmaiah and survey number as '67/1B' and are proposing to acquire the land for which pattadar passbook is issued with sub-division 67/1A. According to her, the petitioner is the owner of Sy.No.67/1A and by reference to notification issued on 05.08.2008 the respondents are conducting survey and interfering with petitioner's possession. Hence, the writ petition.

The Tahsildar, Nagiri filed counter affidavit explaining the details as borne out by record and also the steps taken for identification of property with reference to survey conducted on the eve of initiation of land acquisition proceedings. The reply of respondents is as follows:

“In answer the averments made in paras 1, 2 and 3 of the petitioner's affidavit, it is submitted that V.K.R.Puram Gram Panchayath, Nagari Mandal there are 24 beneficiaries of weaker sections found without house sites

under 3rd phase Indhiramma and as there is no suitable Government land in the village, the patta land in Sy.No.67/1 extent of Ac.4-47 cents was identified as suitable for grant of house site pattas. The land in Sy.No.67/1 extent Ac.4-47 cents is a patta dry land owned by Smt.Chenga Suseelamma and Sri Chenga Lakshmaiah. During the year 1995 Sri Chenga Lakshmaiah and Smt.Chenga Suseelamma have submitted separate 6.A claims under R.O.R Act for Ac.2-24 Cents and Ac.2-23 Cents respectively and obtained Pattadar Pass Books in their favour. At the time of issue of pattadar pass books the above field was not sub-divided and notional numbers (temporary) were given as 67/1A. These are not effected survey sub-divisions and they are only notional numbers given at the time of issue of pattadar pass books which is subject to approval under Survey & Boundaries Act. At the time of initiating Land Acquisition proceedings the entire area in S.No.67/1 was measured by Mandal Surveyor and prepared sub-division records according to their enjoyment on ground and also scrutinized the sub-division records by the Dy. Inspector of Survey and carried out the new sub-divisions in F.M.B (copy enclosed) which is as follows:

Sy.No.	Extent	Classification	Name of the pattadar
67/1A	3.56 Acs	Patta Dry	Sri Chenga Lakshmaiah and Smt Chenga Suseelamma (Joint)
67/1B	0-91 Cents	Patta Dry	(Proposed L.A. Land)

According to the sub-division records prepared by Mandal Surveyor, an extent of 0-91 cents in Sy.No.67/1B is under the possession and enjoyment of Sri Chenga Lakshmaiah on ground at the time of field survey and this land has been proposed for acquisition under L.A. Act. The proposed land is adjacent to main road leading from Thadukupeta to Mudipalle Village. Sri Chenga Lakshmaiah is a wealthy pattadar having a total extent of Ac.27-41 acres of patta lands in two villages. Now the writ petitioner came forward stating that the proposed land of 0-91 cents in Sy.No.67/1B belongs to her as she got pattadar pass book for Sy.No.67/1B. The Sy.No mentioned in the pattadar pass book is only a notional number given without

making sub-division on ground at the time of issue of pattadar pass book to her. Hence it is not correct to say that the 4(1) notification issued by the Land Acquisition Officer, and Revenue Divisional Officer Chittoor is defective. The petitioner and Sri Chenga Lakshmaiah is still having Ac.3-56 cents in S.No.67/1A even after acquisition of 0-91 Cents in S.No.67/1B.

In answer to the averments made in para 4 of the petitioner's affidavit, it is submitted that petitioner's land has not been acquired as she is having right Ac.2-23 Cents in S.No.67/1 after acquisition of 0-91 Cents in S.No.67/1B. It is also not correct to say that she has no other lands except this land and as she got Ac.12-97 Cents of patta land in two villages (1.B extracts enclosed) and she got good source of income for her livelihood".

From the above, it is clear that by reference to Sy.No.67/1B and showing the name of one Chenga Lakshmaiah, the respondents are going on record that they are not touching the land held by petitioner. The statement is placed on record.

The writ petition is disposed of accordingly. There shall no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

01st August, 2017

Lrkm

S.V.BHATT, J