

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.9003 OF 2009

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for respondents.

The petitioner claims that he is the absolute owner and possessor of property of an extent of 225 akanams 56 square yards equivalent to 1510.227 square meters, out of Acs.1.00 cents of land in plot Nos.3, 4, 7, 8, 11, 12, 15, 16, 19, 20, 23, 24, 27 and 28 in survey No.2089/8, situated at Khadar Nawaz Khanpet Village, Nellore Bit-I, Nellore Rural, Kothur Gram Panchayat, S.P.S.R. Nellore District. The claim of the petitioner is that the said property was purchased in the year 2007 under registered sale deed, dated 02.03.2007 from his vendors, who purchased the said property from one Palapala Subrahmanyam under registered sale deed, dated 04.04.1983. Thus, the petitioner claims continuous possession of the land atleast since 04.04.1983 by his vendors and by him thereafter. When the respondents tried to interfere with the said land, the present writ petition is filed and this Court by order, dated 29.04.2009, granted interim direction not to dispossess the petitioner from the above land.

The case of the respondents is that the land in survey No.1902 admeasuring an extent of Acs.1383.92 cents was classified as 'Jungle Poramboke' in R.S.R. of the Village and it was split up and new survey Nos.2063 onwards have been given for a large chunk of land for eventual assignments. The land in survey No.2089 admeasuring Acs.9.15 cents of Nellore Bit-I, Kothur Village was assigned to nine (9) individuals for agricultural purpose. The assignments were made in survey Nos.2088 to 2098, totally admeasuring Acs.87.60 cents, but the assignees did not put the land under cultivation. Hence, the land was resumed by the Mandal Revenue Officer, Nellore, by proceedings, dated 25.07.1988. The said

land was proposed for construction of 'Rajiv Swagruha' along with some other survey numbers, totally admeasuring Acs.200.00 and the same was handed over to the Deputy Executive Engineer of A.P.Housing Board, Nellore on 23.07.2007. The registered transactions in respect of the said land are not valid and binding on the respondents. The land of the petitioner admeasuring Acs.1.01 cents was also handed over to the Deputy Executive Engineer, A.P.Housing Board, Nellore, on 23.07.2007.

The learned counsel for the petitioner produced before this Court the copies of Adangal showing the name of his vendors issued in the year 2004-05. The learned Government Pleader produced before this Court the orders of resumption, dated 25.07.1988 resuming the land from the assignees under various survey numbers and handing over possession on 23.07.2007 to the authorities of the A.P.Housing Board. He did not produce any proceedings relating to the assignment of the land or issuing a notice either to the predecessor in title or to the petitioner.

In the circumstances, in view of the registered document existing in favour of the petitioner, this Court is satisfied that the petitioner has a *prima facie* case with respect to title and the possession of the petitioner cannot be interfered by the respondents without following due process of law. If any part of the land of the petitioner was already occupied and constructions took place, it is open to the petitioner to take appropriate civil proceedings.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

20.06.2017
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