

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28342 OF 2017

DATED : 24.08.2017

Between :

Smt Junjuru Maramma, W/o.Late Achanna,
Aged about 74 yrs, Occu : Housewife,
R/o.D.No.2-3, S.C.Colony,
Near Milk Centre, Alamanda Kothapalli,
Visakhapatnam District,
Andhra Pradesh

..

Petitioner

And

State of Andhra Pradesh,
Rep., by Principal Secretary
Revenue Department,
Secretariat, Velagapudi,
Guntur District & others.

..

Respondents



This court made the following :

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ORDER :

Heard.

2. According to the petitioner, her husband developed and cultivated the land to an extent of Ac.3-96 cents in Sy.No.62 of A.Kothapalle Village, Deverapalli Mandal, Visakhapatnam District. Petitioner claims that she continued to be in possession and enjoyment and applied for grant of patta to her. But so far no decision is made. Petitioner seeks direction to the respondents to grant D-form patta. Petitioner claims that a tentative assignment was given in the year 1981 and thereon she continuous to be in possession.

3. The report of the Tahsildar addressed to the District Collector, Visakhapatnam, on 28.02.2017 would reveal that the land which petitioner claims to grant patta is part of the village irrigation tank, spreading over Ac.17-90 cents. Having noticed that the land is forming part of the village tank, and the land was found to be empty, a board was erected. The report also discloses that in accordance with the Government Policy as notified vide G.O.Ms.No.571 dated 14.09.2012, the land cannot be used for cultivation. Further report of the Tahsildar dated 10.04.2017 informs the Collector that on verification of the concerned records, whereunder, the patta stated to have been granted is not available. The report also indicates that the villagers are opposing assignment of land within the tank bund. In view of these reports, the prayer of the petitioner for assignment cannot be granted.

4. At this stage, learned counsel for the petitioner states that petitioner is now cultivating the land and has sown paddy crop and seeks leave of the Court to atleast permit the petitioner to grow paddy crop and take the proceeds. The report of the Tahsildar would also indicate that the land is kept idle and not cultivated. If what is stated by the petitioner is true, petitioner is granted liberty to make a representation before the Tahsildar, Devarapalli, with cogent material to show that she has sown paddy crop and she be permitted to take the proceeds and on making such representation the Tahsildar may consider the same objectively, and if the crop is sown, permit the petitioner to take the proceeds.

5. With the above observations, the Writ Petition is dismissed. Dismissal of the writ petition does not disentitle the petitioner to make appropriate application for assignment of land, if she is otherwise entitled and qualified. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

24th August, 2017
Rds

P.NAVEEN RAO,J