

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.6361 OF 2007

ORDER

This writ petition is filed for the following relief:

“....to issue an appropriate writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the inaction of the 1st respondent in either granting assignment of the land of Ac.0.81 cents in Survey No.437 of Utukur Village, Chintakommadinne Mandal, Kadapa district, under my cultivation to me or for referring the same to the Government for grant of assignment to me as illegal and arbitrary and consequently direct the 1st respondent herein to cause disposal of the application of the petitioner Sivoijamadar for assignment of Ac.0.81 cents of land in Survey No.437 of Utkur Village, Chintakommadinne Mandal, Kadapa District and pass such other or further orders under the circumstances of the case.”

Heard learned counsel appearing for the petitioners and learned Government Pleader for Assignment appearing for the respondents.

Even after 10 years, the respondents have not filed counter-affidavit and hence, this Court is constrained to dispose of the writ petition on the basis of the averments made in the affidavit filed in support of the writ petition.

The writ petition was originally filed by one S.Ghosiya, who died during pendency of the writ petition and petitioners 2 to 5, who are her legal heirs, came on record.

As per the averments made in the affidavit filed in support of the writ petition, the petitioner (deceased) was cultivating an extent of Ac.0-81 cents of land in Utukur Village of Chintakommadinne Mandal, Kadapa District, along with her husband for a period of 50 years. The said land was waste in nature and it was made cultivable by her efforts only. On the advise of the elders and well wishers of the village, she made a representation to the 4th respondent-Mandal Revenue Officer and also to the 2nd respondent-Joint Collector for assignment of the land. Pursuant to the same, the 2nd respondent referred the matter to the 3rd respondent-Revenue Divisional Officer for taking necessary action. Subsequent thereto, survey was conducted by the Revenue Inspector, Mandal Revenue Officer, Revenue Divisional Officer etc. Thereafter, the petitioner was informed that the land which she was cultivating falls under “date tree poramboke”. Since there are no date trees existing as on date, the land was withdrawn from the control of the Gram Panchayat and was taken over by the Revenue Authority. It is further stated that the Mandal Revenue Officer, C.K.Dinne Mandal, addressed a letter dated 20.03.2003 to the Revenue Divisional Officer, Kadapa for assignment of the said land in her favour on payment of market value of @ Rs.26,730/-. The Revenue

Divisional Officer *vide* letter dated 20.11.2004 addressed a communication to the District Collector, Kadapa, proposing to assign the said land to her. When no action was taken by the District Collector, the present writ petition was filed.

As stated above, no counter-affidavit is filed even after 10 years.

In the circumstances, this writ petition is disposed of directing respondents 2 to 4 to go through the record and pass appropriate orders in accordance with law pursuant to the representation of the petitioner (deceased) for assignment of the land and recommendation of the Mandal Revenue Officer dated 20.03.2003 and that of the Revenue Divisional Officer, Kadapa, dated 20.11.2004, within a period of three months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

05th June, 2017
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