

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.23935 of 2017

ORDER:

The petitioners, residents of Pulikallu village, have filed instant writ petition for *mandamus* declaring the action of the respondents in resorting to distribute the lands by granting assignment pattas to the persons identified by the then Assignment Review Committee in January 2013 of Podhalakuru Mandal, SPSR Nellore District, even though the said recommendations have lapsed long back, as illegal, arbitrary and unconstitutional.

2. On 20.07.2017, the writ petition was taken up for admission and at the instance of the Assistant Government Pleader (Assignment), the writ petition is directed to be listed today. The instructions dated 22.07.2017 are placed on record. Sri K. Rathanga Pani Reddy, learned counsel for petitioners, is also permitted to go through the written instructions. The prayer of petitioners is not to operate the beneficiaries identified by the Assignment Review Committee in January 2013. The prayer refers to action of respondents in resorting to distribute the lands to the persons identified in the Assignment Review Committee and this court is of the view that the prayer is more in the nature of prohibition or based on apprehension, assuming without recording a finding that respondents 3 and 4 considered the list of eligible candidates and depending upon their eligibility, granting assignments to poor and landless poor persons. Even in such situation, the remedy of a person aggrieved by such assignment is to file an appeal against the order of assignment. To pray for a direction to restrain consideration of any case is unavailable. Apart from the above reasons, the instructions of the 4th

respondent reinforce the view expressed by this court, which reads as follows:

“..It is submitted that no single patta has been issued so far even after the instructions were received from the Revenue Divisional Officer, Nellore. Since the list was approved long back in the year 2013, the present position of the beneficiaries whether they are in possession of the land and doing cultivation or not has to be verified, whether they are still residing in the village or not has to be verified and after finding the genuineness and eligibility and only the distribution of Assignment pattas will be processed. It is only the apprehensions of the writ petitioners that Assignment pattas will be distributed to one group of people.

The name of Smt. Mamuduru Pathnamma was already in the list of the Assignment Committee approved vide S.No.74 for an extent of Ac.0.59 in Sy.No.641-1 of Pulikallu village. The names of the other writ petitioners Gorripati Rojamma and Gorripati Swapna were not in the approved list.

The above facts are submitted for favour of information and to apprise before the Hon'ble High Court and to see that the writ petition is dismissed.”

3. From the above, it is clear one of the petitioners is also in the beneficiaries list of 2013. The respondents 3 and 4 are taking note of the approved assignees accommodated in the recommendations made in 2013, finding out the eligibility of the other beneficiaries to whom the land was not granted, thereafter take steps. The petitioners if want assignment ought to apply and pray for consideration of their cases basing on their eligibility and entitlement. If there is any illegality or irregularity, the remedy of appeal is always open to the aggrieved person.

4. In the considered view of this court, the writ prayer is misconceived, the writ petition fails and accordingly, dismissed. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 24.07.2017
BSS

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