

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 569 of 2008

ORDER:

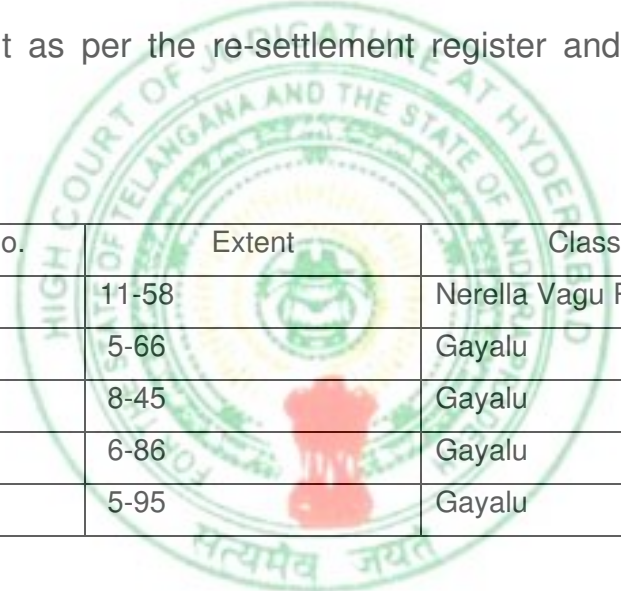
Heard learned counsel for the petitioners, learned Government Pleader for Revenue for the official respondents and the learned counsel for the unofficial respondents.

This writ petition was filed challenging the action of respondent Nos.1 and 2 in issuing list of beneficiaries to distribute the Government land to the public by mentioning the property of petitioner No.1 against Serial Nos.150, 201, 202, 203, 207, 208, 209, 211, 212, 255, 257 and 259 in IV Phase distribution of land to the beneficiaries of Gottigundala Village, Kondapuram Mandal, Nellore District as illegal and arbitrary.

Petitioner No.1 claims agricultural land admeasuring Acs.6.65 cents, Acs.5.66 cents, Ac.0.59 cents, Acs.8.45 cents and Acs.5.95 cents, totalling Acs.27.30 cents in Survey Nos.207, 880/2, 886/3, 887/1, 883/3 respectively of the above stated Village. He claims the same as his ancestral property. It is stated that pattadar pass books and title deeds were issued in the name of his father and his father died on 26.09.2006 leaving the entire property to him. He is the only son to his father. Therefore, he filed the present writ petition.

Initially, this Court by order, dated 22.01.2008, granted *status quo* with regard to the possession of the land admeasuring Acs.6.65 cents, Acs.5.66 cents, Ac.0.59 cents, Acs.8.45 cents and Acs.5.95 cents in Survey Nos.207, 880/2, 886/3, 887/1, 883/3 respectively. The said order was subsequently vacated by order, dated 20.06.2011.

A counter-affidavit is filed on behalf of the official respondents denying the claim of petitioner No.1. It is stated that the lands said to have been owned by the petitioner belong to the Government as per the re-settlement register and classified as under:



Survey No.	Extent	Classification
207	11-58	Nerella Vagu Poramboke
880-2	5-66	Gayalu
886-3	8-45	Gayalu
887-1	6-86	Gayalu
883-3	5-95	Gayalu

Thus, the Government is claiming the said land. It is further stated that 10-1 Account was tampered and the lands were falsely included in the said Account with a distinct red ink without any specific orders *vide* patta No.112 of 10-1 Account. The pattadar pass books and title deeds were obtained on the basis of tampered record by playing fraud on the revenue officials. It is also stated that the list of beneficiaries for allotment of land was

read out in Gramsabha and the same was approved in Assignment Review Committee before the assignments of the land was made. The land in question was distributed during IV Phase as the same was Government land by following due procedure.

A separate counter-affidavit is filed by the proposed respondents stating that on considering their representation, the authorities prepared the list of beneficiaries in IV Phase of land distribution, their names were reflected in the said list in respect of the extents of the land assigned to them and they are in possession and enjoyment of the same for several years. They also filed copies of adangals showing their possession.

In view of the above averments, there is a dispute with regard to the title of the land in question and petitioner No.1 did not file any document in support of the title claimed by him except stating that it is his ancestral property and pattadar pass books and title deeds were issued to him. The claim of petitioner No.1 is denied by the Government basing on the records and it is alleged that the Government records are tampered.

The beneficiaries claimed possession of the property and filed copies of the adangals. This Court, as stated above, vacated the order of *status quo*, as a result of which, the land must have been distributed to the beneficiaries. In the

circumstances, no relief can be granted to the petitioners and if they are aggrieved of any action of the Government, they have to establish their title and seek consequential relief from the Government, as there is an allegation of fraud of tampering of records and the absence of *prima facie* case of title of the petitioners.

The writ petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Dt:09.06.2017

kdl



A.RAMALINGESWARA RAO,J