

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.9635 of 2008

ORDER:

Heard Sri K.R.Prabhakar for petitioner, Assistant Government Pleader for Revenue and Sri Y.Ashok Raj for respondents 5 and 6.

The petitioner in her capacity as Sarpanch of Ranga Samudram Gram Panchayat, Kammavari Palem, Porumamilla Mandal, Kadapa District, filed the present writ petition for Mandamus declaring the action of respondents in not considering and allotting Government land in an extent of Ac.5-50 cents in Sy.Nos.997, 1008/2 and 1009/A of Ranga Samudram Gram Panchayat, Porumamilla Mandal, Kadapa District, in favour of Gram Panchayat and in issuing proceedings Roc.No.A/192/04 dated 13-03-2008 directing Ranga Samudram Gram Panchayat to pass resolution for alienation of subject land in favour of 5th respondent Society at the instance of 6th respondent as illegal, arbitrary and unconstitutional.

The petitioner canvasses twin grievances in the instant writ petition.

Learned counsel for petitioner has confined his submissions to the proceedings dated 13-03-2008 and not pressed the prayer for allotment of land to petitioner.

For appreciation of this limited contention of the petitioner,
I find it convenient to excerpt the impugned proceeding
hereunder.

“ REVENUE DEPARTMENT

To
Panchayat Secretary,
Rangasamudram Gram Panchayat,
Porumamilla Mandal

From
Sri J. Joseph, B.Sc.,
Tahsildar,
Porumamilla Mandal,
Kadapa District.

Ref : A/ 192/ 2004, Dated : 13-03-2008.

Sr,

Sub : Sanction of land – Porumamilla (M),
sanction of land in favour of Sri Krishna Sadara
Educational Society in S.No.:1008/2 and 1009/ A of
Rangasamudram village, Gram Panchayat Resolution –
Requested.

Ref: R/o P.Nagarjuna Reddy, Correspondent,
Sri Krishna Sarada Educational Society.

Sri P Nagarjuna Reddy, the Correspondent, Sri Krishna
Sarada Educational Society, Porumamilla has requested for
sanction of land in S.No:1008/ 2 and 1009/ A an extent of Ac.3.50
at Rangasamudram village for favour of their Society for
construction of Junior College and Degree College.

I request you to send resolution of Gram Panchayat
Rangasamudram village for sanction of above land in favour of
Sri Krishna Sarada Education Society to their office at an early
date.

Yours faithfully,
Sd/ - xxxx
TAHSILDAR,
Porumamilla Mandal,
Kadapa District.”

The submission of counsel for petitioner is that the 3rd
respondent does not have jurisdiction to call upon the Gram
Panchayat to pass a resolution, to set in motion the alienation or

allotment of subject land in favour of respondents 5 and 6. According to petitioner, alienation or allotment of land is substantially covered by Government policy issued from time to time and also the procedure stipulated under the Board Standing Orders. The procedure now followed is not in line with the extant policy.

In the case on hand, even if the allotment is for construction of a College, the 3rd respondent cannot direct the Gram Panchayat to pass a resolution for sanction of petition land in favour of respondents 5 and 6. In otherwords, the resolution of Gram Panchayat cannot and could not be the basis for considering the request of respondents 5 and 6 for allotment of subject land to them. Therefore, prays for setting aside the proceeding impugned in the writ petition.

On 29-04-2008, this Court directed the respondents not to allot the land measuring Ac.5-50 cents in Sy.Nos.997, 1008/2, 1009/A of Ranga Samudram Gram Panchayat, Porumamilla Mandal, Kadapa District, to anybody.

The interim order was made absolute on 08-08-2011.

The 3rd respondent in spite of receipt of notice has not filed counter affidavit sustaining communication dated 13-03-2008.

Prima facie, I am satisfied that the communication addressed by 3rd respondent is not supported by authority or is

not accordance with the policy of Government on alienation or allotment of Government land for a purpose other than agriculture.

Hence, the writ petition is ordered by making the interim order as final order in this behalf.

As regards the 1st prayer is concerned, this Court is of the view that the reasoning that weighed with interdicting the proceeding dated 13-03-2008 equally weighs in considering the prayer of petitioner as well. If the Gram Panchayat is interested in taking Government land for any purpose, ancillary or incidentally for running local body, it is free to make a request to respondents 1 and 2 and the request will be considered in accordance with law.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 07-02-2017
Prv

S. V. BHATT, J

