HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17140 of 2005

ORDER:

1) The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the respondents in canceling the assignment made in favour of the petitioner and evicting him from the lands in Sy.No.25/4 to an extent of Ac.4.32 cents in Dharmasagaram Village, Narsipatnam Mandal, Visakhapatnam District and resuming the same in favour of the Government as illegal, arbitrary; and to set aside the order of eviction and resumption of land passed in Memorandum No.53355/Assn.I(3)195-5 dated 14.02.2000 by the Secretary to Government, Revenue Department, Government of Andhra Pradesh, Hyderabad.

2) The averments in the affidavit filed in support of the writ petition would show that one Bandaru Satyanarayana and Bandaru Samba Murthy of Narsipatnam Village, were assigned the land referred to above. The total extent of land in Sy.No.25 was about Ac.34.7 cents. It was later sub-divided into Sy.Nos. 25/1 to 25/7. Later, the Mandal Revenue Officer, Narsipatnam, issued D-form patta in respect of land admeasuring Ac.4.32 cents in Sy.No.25/4. Thereafter, Bandaru Satyanarayana sold the assigned land to the petitioner for a consideration of Rs.7,000/-. Thereafter, the fourth respondent submitted a report to the third respondent in Ref.No.550/86/A dated 18.10.1988 stating that the name of Borra

Satyanaraya was wrongly noted in place of Borra Tata Rao. After enquiry, the Mandal Revenue Officer, Narsipatnam, cancelled the assignment made in favour of Bandaru Satyanarayana and assigned the same land to the petitioner and issued D-Form patta. The petitioner claims to have purchased the said land, paid land revenue to the authorities, who issued the receipts as well. Aggrieved by the assignment made in favour of the petitioner an appeal came to be filed by Bandaru Satyanarayana before the Revenue Divisional Officer. The Revenue Divisional Officer, cancelled the orders of the Mandal Revenue Officer and directed him to take action as per Act 9 of 1977, in respect of land admeasuring Ac.4.32 cents in Sy.No.25/4, since the original assignee alienated the land in favour of the petitioner at Rs.7,000/- only. Thereafter, the Mandal Revenue Officer, passed an order dated 29.07.1994, directing eviction of the petitioner from land in Sy.No.25/4 and resuming the land back to the original assignee. Aggrieved by it, the petitioner filed W.P.No.14016 of 1994 stating that no opportunity was afforded to him before eviction and resumption of the land. This Court disposed of the said writ petition directing the petitioner to file an appeal before the Joint Collector as there is a provision of statutory appeal. Pursuant thereto, B.Satyanarayana filed an appeal before the Joint Collector. After perusing the entire record, the Joint Collector held that the land in question is resumed by the Government and Revenue Divisional Officer was permitted to reassign the land to landless poor, who are eligible

as per rules. Challenging the same, the present writ petition is filed.

3) Learned counsel for the petitioner mainly submits that the petitioner is a bonafide purchaser of the land and that the authorities erred in passing the order, resuming the land on the ground that the original assignee has violated the conditions of patta.

4) The same is opposed Government Pleader for Revenue stating that no material has been placed to show that the petitioner was a bonafide purchaser.

5) As seen from the record, there is no material to show that the petitioner purchased the land from his vendor, knowing that the said land is an assigned land. It is to be noted here that subsequent to filing of the writ petition, the wife of the petitioner by name Smt. Borra Lakshmi, was assigned land to an extent of Ac.2.32 cents in Sy.No.25/6 and the disputed land was divided as three parts and Ac.1.32 cents was assigned to Jeereddy Behiyamma with Khata No.287 and Ac.2.00 cents to Bandaru Nageswara Rao with Khata No.495 and the remaining Ac.1.00 is left with the Government. Further, it is to be seen that writ petition was filed in the year 2005 and in the absence of any interim order, the action of Government in resuming the land cannot be found fault with, as urged by the learned counsel for the petitioner. The instructions received by the Government Pleader for Revenue show that the petitioner himself expressed,

before the authorities, that he is not interested to prosecute the writ petition, as he was issued patta in respect of another piece of land.

6) Having regard to the above, the writ petition is dismissed.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

07.09.2017
gkv