

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.24955 OF 2005

ORDER:

This writ petition is filed to direct the respondents to consider the request of the petitioner to alienate an extent of Ac.0.16 cents of land in Sy.No.116/1 of Ankireddipalem village, Guntur Mandal and District, which was delivered to the petitioner on 10.3.2004 on payment of market value in accordance with the Board Standing Orders and alienate the said land in his favour by collecting market value.

2. The petitioner is the proprietor of a HPCL retail fuel outlet, situated in Sy.No.115 of Ankireddipalem village, Guntur Mandal and District. He has been operating the said business since 2002 in an extent of 1250 Sq.yards of land in industrial zone. Abutting to the said land, there is Ac.0.16 cents of Government land in Sy.No.116/1, which is contiguous to the petitioner's property. Since alienation of State land was on payment of market value for industrial/commercial purposes is permitted under Board Standing Orders (BSO) 15 and 24, the petitioner represented the matter on 27.02.2004 to the Mandal Revenue Officer, Guntur. Thereafter, the Mandal Revenue Officer by proceedings dated 10.3.2004 has inspected the premises and sent proposal to the District Collector on 24.06.2004 through Revenue Divisional Officer, Guntur and in the meanwhile, the petitioner was permitted to occupy the premises pending alienation proceedings. The District Collector on 17.07.2004 directed the Revenue Divisional Officer, Guntur to b re-resubmit the proposal after conversion of the land from Puntha

Poramboke to Assessed Waste as per the procedure. On 27.07.2004, the Revenue Divisional Officer issued proceedings accordingly.

The Mandal Revenue Officer, Guntur issued D-Form patta on 4.08.2004 subject to the payment of market value as fixed by the Collector. On 5.09.2004, the Mandal Revenue Officer, Guntur has addressed a letter to the Revenue Divisional Officer, Guntur to take steps regarding the fixation of market value. On 7.10.2004, the Revenue Divisional Officer, Guntur in turn addressed a letter to the District Collector, Guntur and the District Collector, Guntur vide his letter dated 8.07.2005 addressed a letter requesting to submit inspection report afresh and the Revenue Divisional Officer has submitted the same to the District Collector on 18.07.2005 by conducting inspection on 16.07.2005. Since then, the matter is pending with the District Collector, Guntur.

3. Counter affidavit has been filed by the respondents, wherein, they have categorically stated that the said land has been taken back and the petitioner is not in possession as per the direction of the District Collector, Guntur, dated 15-11-2005. It is stated in the counter that the purpose of taking back the land was that the said property was abutting to the Highway leading from Guntur to Perecherla and without quoting any real position, the recommendation for fixation of market value has been made.

4. The petitioner in support of his arguments relied on the judgment of this Court in **Dama Kothilingam @ Kotilingaiah Vs.**

Joint Collector, Prakasam District, Ongole¹ and G.Kanthayya Vs. The District Collector, Warangal², wherein, it is categorically decided that during the pendency of the grant of patta, if the land is in possession of the occupants, the occupants shall not be dispossessed during the pendency of consideration of their applications.

6. In the present case, since it requires sanction of the Government under Board Standing Order 24, Clause (2), without going into the disputed questions of fact whether the petitioner is dispossessed and since the application is not decided finally, the respondents are directed to consider the case of the petitioner in the light of Board Standing Order 24 and pass appropriate orders expeditiously. However, the petitioner is at liberty to make an application once again in addition to the earlier application, before the respondents as per the procedure. During pendency of the decision on the said application, status-quo shall be maintained by both the parties.

7. In view of the above discussion, the writ petition is disposed of. No costs. As a sequel, Miscellaneous Petitions pending if any shall stand closed.

T.AMARNATH GOUD,J

Date: 24-11-2017
Shr.

¹ 2002 (6) ALD 1 (DB)

² 1989 (3) ALT 129