

The Hon'ble Sri Justice M.S.Ramachandra Rao

Writ Petition No.1344 of 2015

Dated 27.11.2017

Order:

1. Heard learned Counsel for the petitioner, learned Government Pleader for Revenue (AP) appearing for respondent Nos.1, 3, 4 and 5 and Mr.K.Purushotham, learned Counsel for respondent No.6. None appears for respondent No.2 though notice has been served.

2. The subject matter of this Writ Petition is the land admeasuring Ac.1-00 cents in Surey No.102/4E of Taduvayi Village, Jangareddigudem Mandal, West Godavari District. This land was allotted by respondent No.2 to one Padamati Raghavulu in the year 1983 under the provisions of the Andhra Pradesh Bhoodan and Gramadan Act, 1965.

3. Though there was no allotment by respondent No.2 in her favour, subsequently the petitioner got into possession of the said land, and obtained pattadar pass book and title deed from respondent No.5 in the year 2006.

4. The wife of the original assignee made an application to respondent No.3 on 20-05-2013 and sought for restoration of the said land.

5. When the revenue officials were about to initiate action to evict the petitioner, she filed WP.No.18117 of 2013 and obtained an interim order to the effect that respondent No.2 shall not interfere with her peaceful possession and enjoyment over the said land without

following the due process of law. Therefore, no action could be taken on the request of the wife of the original assignee.

6. According to respondent No.5, respondent No.2 cancelled the patta issued to the original assignee viz., Padamati Raghavulu and issued patta in favour of respondent No.6 vide Proceeding No.BYD/B1 /360/2013 dt.04-03-2014. Respondent No.6 then approached respondent No.4, who issued notice to the petitioner to appear before him with relevant records. However, according to respondent No.5, the petitioner did not attend respondent No.4's office with relevant records; the case is still pending with respondent No.4; and the petitioner has been continuing to enjoy the subject land. It is also stated that D forma patta relating to the subject land was issued to the petitioner in the third round program announced by the Andhra Pradesh Government in 2006.

7. From the facts narrated above, it is clear that respondent No.2 initially allotted the subject land to Padamati Raghavulu but later cancelled the same and granted patta in respect thereof to respondent No.6.

8. The petitioner has no right, title or interest in the subject land, but she seems to have occupied the same, managed the revenue officials and obtained D form patta, pattadar pass book and title deed in her favour in the year 2006.

9. The revenue officials of the State had no authority to assign the land to the petitioner, which, admittedly, belongs to respondent No.6. Obviously, the petitioner colluded with the revenue officials and

obtained the order in WP.No.18117 of 2013 not to interfere with her peaceful possession and enjoyment of the said land without following the due process of law.

10. Clearly, the petitioner is a land grabber and has no right to enjoy the land, which has been allotted by respondent No.2 to respondent No.6.

11. By Order dt.29-01-2015 in WPMP.No.1770 of 2015, this Court granted an interim order of suspension of the proceedings dt.04-03-2014 of respondent No.2 issued in favour of respondent No.6. This order cannot be allowed to stand since the claim of the petitioner, a land grabber, is not *bonafide*. So, the aforesaid order dt.04-03-2014 of respondent No.2 as well as the consequential order of respondent No.2 dt.06-03-2014 allotting the land to respondent No.6 are valid, and the petitioner has no right to be in possession and enjoyment of the subject land.

13. Accordingly, Order dt.29.01.2015 in WPMP.No.1770 of 2015 in WP.No.1344 of 2015 is vacated and the Writ Petition is dismissed with costs of Rs.2,000/- to be paid by the petitioner to respondent No.6.

14. As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(M.S.Ramachandra Rao, J)

Dt: 27th November, 2017
LUR