

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.1283 OF 2007

Date 26.12.2017

Between:
G.Sujatha.

... Petitioner

AND

The District Collector, West Godavari District at Eluru
and others.

.....Respondents



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.1283 of 2007

ORDER:

The Writ Petition is filed for declaring the action of respondents, in insisting to vacate from land of an extent of Ac.1.21 cents in Sy.No.814/1 of Thadikalapudi Revenue Village, as being illegal and arbitrary.

Brief facts of the case, according to the petitioner, are that she is the owner of land admeasuring Ac.1.21 cents in Sy.No.814/1 of Thadikalapudi Revenue Village which was assigned by respondent No.3 by proceedings dated 05.03.2001, and issued pattadar pass books and title deeds in her favour. Respondent No.3 inspected subject land, wherein the petitioner alleges to have raised coconut garden and lemon trees; it was required for distribution of house sites under Indiramma Housing Scheme; and the petitioner got issued a registered notice dated 29.12.2006 requesting to drop proposal to acquire the subject land in view of Government memo dated 08.09.1992, whereunder acquisition of coconut garden land was prohibited.

While admitting the writ petition on 25.01.2007, this Court passed the following interim order:

“The respondents are directed not to dispossess the petitioner from the land in question without following the due procedure under the Land Acquisition Act.

The learned counsel for the petitioner submits that there is a coconut garden situated in the land in question and even the said land may not be acquired for the house sites as per the existing memos of the government.

Whether the said memos are in force as on today, it is for the concerned Land Acquisition authorities to consider the same and take appropriate action.”

Counter affidavit is filed by the respondents, along with vacate petition, *inter alia* stating that the land in Sy.No.814/1 is a government land, and was identified for providing house sites to weaker section people under ‘Indiramma Programme’; the subject land does not belong to the petitioner, and the Dharakhast patta granted in her favour was not genuine; as per Re-Settlement Survey Register (RSR), the land in R.S.No.814, admeasuring Ac.1.94 cents is classified as ‘Vagu Poramboke’, and no sub-division or conversion entry effected in RSR of Tadikalapudi Village; as per BSO 14(5), only one member of the family is eligible for grant of assignment upto Ac.5.00 dry and Ac.2.50 wet; the petitioner and her husband are having separate pattas for an extent of Ac.6.09 cents; and the petitioner is not entitled to claim right over the subject land.

Learned Government Pleader for Land Acquisition passed on letter dated 05.12.2017 of Tahsildar, West Godavari District, whereunder the subject land has been classified as ‘Vagu Poramboke’; therefore, patta granted in favour of the petitioner cannot be considered as genuine; and it is also not approved by the Mandal Assignment Committee and no sub-division or conversion effected in revenue records.

In view of the averments in the counter, and written instructions of Tahsildar, West Godavari dated 05.12.2017,

respondents are directed to follow the procedure prescribed under law before dispossessing the petitioner.

With the above observation, the Writ Petition stands disposed of. However, in the circumstances, without costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Dt:26.12.2017
usd

