

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30075 OF 2017

DATED : 06.09.2017

Between :

S. Anandan S/o.Pedamariah,
Aged about 62 yrs, Occu : Agriculture labour,
R/o.Chinna Etipakam Village,
Satyavedu Mandal, Chittoor District & others.

..

Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Velagapudi,
Guntur District & others.

...

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30075 OF 2017

ORDER :

Heard.

2. The land to an extent of Ac.8.65 cents in different survey numbers i.e., Sy.Nos.316/2A, 288/4B, 312/B and 312/B4 of Chinna Etipakam Village, Satyavedu Mandal, Chittoor District, is the Government land. Earlier the subject land was assigned to persons who do not belong to the village and as they were not legally entitled for such assignment, the DKT pattas granted to them were cancelled. Petitioners claim that they were inducted into possession of the said extent of land in the year 1995. Petitioners claim that they are also landless poor persons and are eking out their livelihood from the agricultural produce. Except the said land they do not have any other lands anywhere. Petitioners claim that they have planted Mango and Palm trees and eking out their livelihood. According to the petitioners, the Assignment Committee in its meeting held on 19.07.2005 approved assignment of land to them and therefore, they are validly entitled to assignment. In the affidavit petitioners also traced history of litigation of assignment before this Court and also before the civil Court.

3. In the background of the facts narrated in the affidavit, as briefly noted above, petitioners pray to declare the action of the respondents in cancelling the pattas issued in their favour which were already allotted to them, as early as in the year 1995, as illegal, arbitrary and unconstitutional.

4. It is seen from the material papers enclosed to the writ petition that the Tahsildar, Satyavedu Mandal, Chittoor District-7th respondent, on consideration of claim of the petitioners, vide his endorsement bearing proceedings ROC.B/427/212 dated 22.06.2016, rejected the request of the petitioners for assignment of lands holding that the subject land cannot be used for agricultural purpose, as it lost the nature of agricultural land; that several houses were constructed and Indiramma Housing Colony, has come up; and that the Government needs land to an extent of Ac.2.70 cents of land for communal needs.

5. Thus reading of this endorsement would disclose that the prayer of the petitioners to assign land for agricultural purpose is refused for the reasons assigned therein. This endorsement is not under challenge in the writ petition. But a declaration is sought as if such endorsement is not valid.

6. As noted above, and the averments in the affidavit filed in support of the writ petition would disclose that petitioners are seeking for assignment of land to carry on agricultural operations. Whether petitioners are qualified for assignment of land for agricultural purposes is entirely different. But petitioners cannot insist for assignment of particular land, more particularly when the competent authority is of the opinion that the land claimed by the petitioners for assignment is no more be classified as agricultural land and that the said land is required for other communal purposes. At any rate, the said decision is not under challenge and therefore, no opinion can be expressed on the validity of the decision made by the Tahsildar.

7. In the absence of challenge to the said decision, more particularly in view of the reasons assigned therein, no relief as sought for by the petitioners can be granted and the writ petition is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. It is needless to observe that if petitioners are otherwise entitled for assignment of land and if land is available for assignment for cultivation purpose, it is open to the petitioners to make an application to the Tahsildar and on making such application, the Tahsildar, shall consider the same having regard to the Policy of Government for assignment of land to needy people not withstanding the dismissal of the writ petition. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

6th September 2017
Rds

P.NAVEEN RAO,J

