

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.2990 of 2018

Order:

The petitioner states that he is a physically handicapped person and occupied the land of an extent of Ac.2-50 cents, situated in Survey No.502/10 of Kuntrapakam Village, Tirupati Rural Mandal, Chittoor District. He states that he has been in possession of the said land for several years. No patta was issued in his favour. He submitted a representation for issuance of pattadar passbook and title deeds. He states that his name is reflected in the Pahanies also. He states that he approached the Chief Minister of State of Andhra Pradesh Peshi through a representation and on the representation when an order was passed by the second respondent on 31.01.2017 rejecting the request of the petitioner for assignment, the present Writ Petition is filed.

The impugned order reads as follows:

“I invite your attention to the reference cited wherein the Collector, Chittoor has reported that Sri N. Rajendra Prasad, S/o N. Sankar Reddy resident of Nadavaloor village of Ramachandrapuram Mandal has represented through C.M. Peshi for issuance of PPB for the land in Sy.No.502/10 to an extent of 2.50 acres in Kuntrapakam village of Tirupati Rural Mandal.

The Collector further submitted that as per village accounts the land in Sy.No.502 is classified as Vanka Poramboke, subsequently the land was sub-divided and Sy.No.502/10 with an extent of 2.50 acres was granted assignment and the same was cancelled on violation of conditions of D-Form Patta and lying waste at present. Further all the lands in Tirupati Rural Mandal were notified under clause (c) of Sub-Section (1) of Sec.4 of AP Assignments (POT) Act as amended by Act 8/2007 Govt. of AP for the purpose of utilizing the resumed land for public purpose vide G.O.Ms.No.281 dated 05.03.2008 and the plea of the petitioner for grant of assignment could not be considered and the same has been informed to the petitioner through endorsement.

Therefore, I am sending herewith the report of the Collector, Chittoor for taking further necessary action in the matter.”

When the Government is not willing to assign the said land, this Court cannot direct the Government to assign the land, though the petitioner is in occupation of the said land. At this stage, learned counsel for the petitioner submits that even an illegal occupant is entitled for notice before evicting him. In the circumstances, if the petitioner is in occupation and he is sought to be evicted, it is needless to observe that an appropriate notice shall be given to the petitioner.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 01.02.2018
Nsr

A. RAMALINGESWARA RAO, J

