

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3840 OF 2013

ORDER:

It is the case of the petitioner that he along with other villagers have been using the vacant Government Land as cart track from times immemorial and also for ingress to their lands situated in an around Survey No.433 of Chinnagottigallu Village and Mandal and its sub-divisions. The said land is situated at 0.5 Kms from Chinnagottigallu Mandal Head Quarters and 1 K.M. from the village of the petitioner. The 4th respondent purchased some extents of land in Survey No.402 of Chinnagottigallu Village and submitted an application to the respondents 2 and 3 requesting to allot the vacant Government land to an extent of Acres 0.15 cents in Survey No.433/6 of Chinnagottigallu Village, for the purpose of construction of petrol bunk. Since the land was sought to be assigned to the 4th respondent, the present writ petition is filed.

2. A counter affidavit is filed stating that the extent of Acres 1.42 cents was carved out of original Survey No.433 and was assigned Survey No.433/6 of Chinnagottigallu Revenue Village. It is part of the land of an extent of Acres 7.02 cents classified as 'Government Un Assessed Waste' in the Re-Survey Settlement Register. Since the land was a Government Land, it was assigned to the landless poor long back. The land proposed for alienation is situated in the Chinnagottigallu Village and Mandal, which comes under the Mandal Head Quarters, hence, fell under prohibition for Assignment or Alienation. Since it has come to the notice of the

Revenue Authorities that an extent of Acres 1.42 cents situated in Survey No.433/6 was alienated by the legal heirs of the original assignees, the DKT Patta issued for Acres 0.14 cents was cancelled and the land was resumed to the Government in the year 2012. In those circumstances, the 4th respondent sought for allotment of the said land. Since the land is abutting National Highway No.205, the application of the 4th respondent was not considered. The 4th respondent filed W.P.No.17303 of 2013 and a detailed counter was filed in the said writ petition. The said writ petition is pending for disposal.

3. In view of the above averments in the counter affidavit of the 3rd respondent, there is no cause of action for the petitioner as on today and it is open to the petitioner to get himself impleaded, if he has any grievance, in W.P.No.17303 of 2013 and take appropriate steps. The present writ petition does not survive for consideration and is accordingly dismissed.

4. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

07.02.2018
SS

A.RAMALINGESWARA RAO, J