

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.17754 of 2007

ORDER :

This writ petition is filed to declare the action of the respondents in not allotting the land admeasuring to an extent of Ac. 1-14 cents in Sy.No.196/2B of Nandi Mangalam Village, Puttur Mandal to the petitioner Mills on market value, as arbitrary and illegal.

According to the petitioner, the petitioner company purchased the land an extent of Ac.14-00 in Sy.No.198/1 in Nandi Mangalam village, during the year 1980 and constructed the mills and started commercial production in 1982; in the year 1980 itself, the petitioner applied to the Government for allotment of Acs. 2-30 cents of Poramboke land in Sy.No.196/2; the Tahsildar, Pottur changed the classification of the land from Gutta Poramboke to A.W. Dry *vide* proceedings in D.Dis.No.4512/TH/80, dated 17.9.1980 paving the way for allotment in favour of the petitioner; the file was forwarded to the Revenue Divisional Officer; Chittoor, the petitioner filed the representations to the Collector on 14.10.1987 and 13.12.1992; in the year 1991, APIIC proposed to take the lands in Nandi Mangalam village for establishing industrial area and in that proposal

the land in Sy.No.196/2 was also included; the Mandal Revenue Officer was directed to submit status report in the matter; the MRO sent his report on 29.12.1992 stating that the connected file was missing and that subsequently, APIIC dropped the proposal; and as no action is taken by the Collector in this regard, the present writ petition is filed.

The Tahsildar filed his counter affidavit stating *inter alia* that the schedule property in S.No.196/2 admeasuring to an extent of 2.30 acs., is classified as Gutta and Kalva Poramboke; as per the revenue records, the land in Sy.No.196/2 of Nandimangalam village accounts, was not subdivided and classification was also not changed and proceeding dated 17.9.1980 was created in collusion with the then Tahsildar of Puttur; and out of an extent of Acs., 2.30 cents., in Sy.No.196/2, of Nandimangalam village, an extent of 0.35 cents was acquired for National High way No.205 and an extent of 0.64 cents has been allotted to TRANSCO for Electricity Substation and the same was constructed; the remaining extent of Ac. 1.31 cents is covered with Kalva and Gutta; the land in Sy.No.196/2 extent of 2.30 acs., of Nandimangalam village accounts, is in the heart of Puttur Municipality abutting Chennai-Tirupathi National high Way Road (NH 205) and the same is being used for communal purpose to meet the Government

Social Programme; the tax receipts are created in collusion with the local officials; the petitioner is never in possession and enjoyment of the land claimed; the petitioner has filed Suit in O.S.No.148 of 2008 on the file of the Principal Junior Civil Judge Court, Puttur, Chittoor District and the said suit is pending; hence, the land cannot be alienated to the petitioner at the rate of the market value.

Counter affidavit has been filed by the Collector pursuant to the directions of this Court dated 3.7.2017 *inter alia* stating that the connected file relating to the change of classification is not traceable in the Office of Tahsildar, Puttur due to efflux of time and that there are no entries in the village accounts supporting the claim of the petitioner; the Tahsildar, Puttur reported that entries in Fair Adangal and No.2 Adangal still reflect the land in Sy.No.196/2 as Gutta Kaluva Poramboke; under the provisions of BSO 15 (2) (3) (ii), the Collector shall be the authority to order transfer to poramboke land from one head to another or to assessed waste; the Tahsildar, Puttur *vide* letter dated 18.7.2017 reported that in the civil suit, a counter was filed by the Tahsildar, Puttur contending that there is no sub division in Sy.No.196/2B in Nandimangalam village of Puttur Mandal; the said land in Sy.No.196/2 is under the possession and enjoyment of the

Government, without any disputes and the part of the land is covered with feeder channel, road, cart track, sub station and the remaining extent of 0.94 cents is a terrain land covered with boulders and jungle.

Heard the learned counsel for the petitioner and the learned Government Pleader.

In view of the contentions of both the parties, the petitioner is given an opportunity to file fresh representation before the District Collector, Chittoor, within a period of three weeks from the date of receipt of a copy of this order. As the report of the Tahsildar, dated 17.9.1980 is not specifically denied or disputed by the Collector, the District Collector is directed to enquire into the nature of the subject land basing on the records and pass appropriate orders on the representation of the petitioner in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date : 13/07/2018
Slk

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI



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Dated:13/07/2018

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