

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.23271 of 2007

Order:

This Writ Petition is filed questioning the impugned order passed by the Revenue Divisional Officer, Ranga Reddy District, East Division, in Memo No.B/3314/07, dated 26.07.2007, rejecting the request of the petitioners for assignment of land in Survey No.66 of Kachavani Singaram village, Ghatkesar Mandal, Ranga Reddy District, which is in their possession for the last 27 years.

The brief facts of the case are that the petitioners are the landless poor persons and they have been cultivating the land of not more than Ac.2-00 each in Survey No.6 of Kachavani Singaram village, Ghatkesar Mandal, Ranga Reddy District; they have been given lease for cultivation of the said lands by the then Tahsildar on 29.07.1980 and the same was renewed on 12.10.1981; in May 2004 when the respondents threatened the petitioners to evict the said lands, they filed Writ Petition No.9731 of 2004 and the said Writ Petition was disposed of by this Court on 17.06.2004 with the following directions.

“Having regard to the facts and circumstances of the case, since the representations of the petitioners are pending consideration before the respondents, without going into merits of the case, I deem it appropriate to direct the respondents to consider the representations of the petitioners and dispose of the same as expeditiously as possible. In as much as the petitioners are contending that they are in possession of the land in question, which is disputed by the learned Government Pleader for Revenue, I direct the Revenue Divisional Officer concerned to make spot physical inspection, and if he finds that the petitioners are in possession of the land in question, then they shall be continued therein till the representations filed by them are disposed of.”

Pursuant to the said directions, the Revenue Divisional Officer passed the impugned order rejecting the request of the petitioners for assignment of the land; questioning the same, the present Writ Petition is filed.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for the respondents.

The contention of the learned counsel for the petitioners is that the petitioners are in possession of the land since more than 27 years and the Revenue Divisional Officer has passed the impugned order without giving any notice or opportunity of hearing to the petitioners.

Learned Assistant Government Pleader, on the other hand, contends that the enquiry was conducted in the presence of the petitioners and their family members and sufficient opportunity was given to them before passing the impugned order. He further submits that no document whatsoever has been filed by the petitioners to show their continuous possession over the land for grant of assignment.

Though the petitioners contend that they have been in possession of the land since more than 27 years, no document whatsoever has been filed by them showing their possession over the land, except a document dated 29.07.1980 issued by the Tahsildar, wherein the Tahsildar granted permission for cultivation on Eksal Lease for a period of one year only.

Further, as seen from the impugned memo dated 26.07.2007, it shows that pursuant to the directions of this Court in W.P.No.9731 of 2004, dated 17.06.2004, the Revenue Divisional Officer visited Kachuvanisingaram village on 07.07.2007 and conducted the enquiry in the presence of the petitioners and their family members. It is stated in the memo that his enquiry revealed that the Government land in Survey No.66 is consisting an extent of Ac.120.20 gts., and it is found to be

fallow and there are no symptoms of cultivation; the 2nd petitioner namely Chunchu Sandaiah and the legal heirs of other writ petitioners have deposed that they are jointly cultivating an extent of Ac.58.00 in Survey No.66 of Kachuvanisingaram village, Ghatkesar Mandal, R.R. District for the last 50 years and due to drought and non-availability of power there is no cultivation at present and that they have not paid any tax to the Government. The Revenue Divisional Officer also found that there are no symptoms of cultivation and there are no boundaries among the writ petitioners. It is further stated that in G.O.Ms.No.1409, Revenue (Q) Department, dated 19.08.1978, instructions have been issued stating that “All blocks of Government lands exceeding Ac.15-00, whether in a single survey number or more, shall not be assigned for the present as the Andhra Pradesh Industrial Infrastructure Corporation (APIIC) may require them for locating industrial area”, and hence the land cannot be assigned. The Revenue Divisional Officer also relied upon another G.O.Ms.No.242, Revenue (Assig-I) Department, dated 28.02.2005, according to which all government lands fit for housing/institution purposes located in and around 120 Municipalities (within 25 KM radius for A category, within 15 KM for B category and within 10 KM for C category villages) should be transferred to land bank to prepare a comprehensive policy of meeting, housing requirements of the targeted sections of the Society.

From the above, it is clear that pursuant to the directions of this Court, the Revenue Divisional Officer has physically verified the lands and observed that there are no symptoms of cultivation and the lands are found to be fallow. Further, in view of the instructions issued in G.O.Ms.No.1409, dated 19.08.1978 and G.O.Ms.No.242, dated 28.02.2005, the lands cannot be assigned.

Having regard to the facts and circumstances of the case, the Writ Petition fails and is, accordingly, dismissed. 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.

KONGARA VIJAYA LAKSHMI, J

Date: 20.07.2018
Nsr

