

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 4726 OF 2018

ORDER:

In spite of granting time on 15.2.2018 to the learned Government Pleader, he did not get any instructions and in those circumstances, this Writ Petition is disposed of on the basis of the averments made in the affidavit filed in support of the Writ Petition.

2. The petitioner states that he is the absolute owner and possessor of residential house admeasuring 0.03 cents in RS.No.438/10, 438/11 situated in Kondapalli village, Ibrahimpatnam Mandal, Krishna District, having purchased the same under registered sale deed dated 21.8.1989. He also states that he is in possession of another extent of 0.02 cents of gramakantam land situated in the eastern part of his house. When he wanted to erect a roof structure in the year 1996 in the said gramakantam land, the then Panchayat Executive Officer issued a notice on 3.1.1996 objecting to the same. Then he submitted a representation stating that he belongs Hindu Mala (Schedule Caste) Community and requested to grant patta in respect of the said land. While so, the 5th respondent trespassed into the said land and dismantled the roof shed, destroyed the plants and tried to erect a structure.

He lodged a complaint with the Ibrahimpatnam Police wherein the 5th respondent shown a patta. However, when he made a complaint to the respondents 3 and 4, an enquiry was conducted and it is revealed that no patta was granted to the 5th respondent and he is above the poverty line. He is having Ac.4.00 guntas of Agricultural land in Alluri Village, Kanchikacherla Mandal, Krishna district. He is residing in house bearing No.33-129 at Chaithanya Nagar, Kondapalli Village. He filed a suit against the husband of the petitioner and six others in O.S.No.2581 of 2001 on the file of the I Additional Junior Civil Judge, Vijayawada. Thereafter, the 3rd respondent issued a show cause notice to the 5th respondent on 17.4.2002 and ultimately cancelled the house site patta granted in favour of the 5th respondent by proceedings dated 12.9.2002. Challenging the same, the 5th respondent filed W.P.No.24221 of 2002 and the same was allowed on 17.2.2011 directing the 4th respondent to pass speaking orders after considering the explanation of the 5th respondent. The 4th respondent passed a speaking order dated 21.12.2014 cancelling the patta issued in favour of the 5th respondent. After cancellation, the petitioner has been pursuing for allotment of the same land in his favour and when no action was taken, the present Writ Petition is filed.

3. In view of the request of the petitioner for allotment of 0.02 cents of gramakantam land, this Writ Petition is disposed of, without expressing any opinion on the merits of the case, directing the respondents 2 to 4 to consider the said request and pass appropriate orders thereon, within a period of three months from the date of receipt of a copy of this order, after issuing appropriate notice to the 5th respondent.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 26.2.2018

KPM

A. RAMALINGESWARA RAO,J

