

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.6584 of 2018

ORDER:

It is the case of the petitioners that one Sri Bhupalam Subbarayudu was issued DKT patta on 31.10.1986 in respect of agricultural land in Survey Nos.368/1, 368/2, 368/3 and 368/4 admeasuring Ac.0.14 cents, Acs.6.82 cents, Ac.0.06 cents and Ac.0.05 cents totally admeasuring Acs.7.07 cents situated at Annasamipalle Village, Renigunta Mandal, Chittoor District, under freedom fighters quota. During his lifetime, he offered to sell the land and the petitioners state that they entered into agreement of sale on 18.03.1997. It is their case that the Government issued G.O.Ms.No.917, dated 31.10.1997, prohibiting registration of the lands allotted to the freedom fighters and in those circumstances they could not get the sale deed registered in their names. Thereafter, the said Subbarayudu died in the year 2002. Later on the Government relaxed the ban. Now the petitioners state that they paid the entire sale consideration to the legal heirs of the original freedom fighter and submitted the documents to the fifth respondent, who kept the document with pending registration P.No.27/2012. When they approached the fifth respondent, the fifth respondent produced a copy of the letter written by the fourth respondent stating that the assignment made in favour of the freedom fighter was cancelled by the Joint Collector on 31.08.1998 and the land was resumed by the Government. The petitioners challenged the refusal of registration of the document by filing W.P.No.12770 of 2012 and the said Writ Petition was dismissed on 27.04.2012 on the ground that the petitioners did not produce any document with regard to the

assignment of land to the freedom fighter. Thereafter, in spite of submitting the document to the fifth respondent, in view of the letter addressed by the fourth respondent on 29.12.2017 the fifth respondent is not taking any action. Challenging the letter dated 29.12.2017, the present Writ Petition is filed.

A reading of the impugned letter of the fourth respondent addressed to the fifth respondent discloses that the assignment made in favour of the original freedom fighter was cancelled by the Joint Collector by proceedings dated 31.08.1998 and the land was resumed by the Government. In such circumstances, it is for the legal heirs of the original assignee to take appropriate proceedings in accordance with law. But, the legal heirs are not before this Court nor they are made respondents in the present Writ Petition. The petitioners are only agreement holders and as on today they do not have any right.

In the circumstances, this Court is not inclined to entertain the present Writ Petition, but gives liberty to the legal heirs to take appropriate proceedings challenging the order dated 31.08.1998.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

28.02.2018
vs