

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.7325 OF 2018

ORDER:

The petitioners state that they are permanent residents of Kolabheemunipadu-Kothapalli village, Markapuram mandal, Prakasam district and they are having ancestral property of an extent of Ac.0.94 cents and Ac.0.95 cents in Survey No.128/1. They were issued pattadar passbooks and title deeds. When the respondents came to the land and took measurements, they have asked to tell the reason for taking such measurements. They told that the land is going to be utilized for the purpose of burial ground. In those circumstances, they submitted a representation and the 4th respondent appears to have issued a notice on 20.12.2017 directing the petitioners to appear at the site for conducting a survey of the petitioners land on 6.1.2018. On that day, the officials did not come to the land. When the respondents came to the land on 26.2.2018 and 28.2.2018 with JCB, the present Writ Petition is filed.

The papers filed along with the Writ Petition clearly shows that in the pattadar passbooks and title deeds issued in favour of the petitioners, the entries in respect of Survey No.128/1, were rounded off.

Now, learned Government pleader, on the basis of written instructions, submits that as per the resettlement register of the village, the land in Survey No.128/1 in an extent of Ac.5.66 was classified as Government dry land and in pattadar column, dots were mentioned. It was classified as assessed waste. The Sarpanch of the village submitted a representation to the Tahsildar for conducting a survey and the Revenue Inspector, to whom the matter was referred, submitted that an extent of Ac.1.88 in Survey No.128/1 was long back assigned to one Immidi Chennaiah and after his death, his wife succeeded to the said property. The said land was used as burial ground by the villagers. Thus, the original assignee relinquished his rights over the land. She also gave consent to change the classification of the land as burial ground. The land was resumed on 13.5.2016 by the Government since the assignee has not cultivated the land and violated the conditions of assignment. The Tahsildar, Markapur, also published a notice inviting objections for conversion of the said land as burial ground and no written objections were filed by anyone. The Gram Panchayat, in its meeting dated 24.8.2016, resolved to reserve the said land for burial ground. Accordingly, the classification was changed from assigned waste to burial ground. The petitioners have got some land adjoining the land

and when they objected, they were informed by the Sarpanch of the land. Thus, the petitioners are no way concerned with the land which is now classified as burial ground. In the absence of any title in favour of the petitioners, the petitioners cannot maintain the present Writ Petition and the Writ Petition is accordingly, dismissed in view of the above facts and circumstances of the case.

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

A. RAMALINGESWARA RAO,J

Date: 16.3.2018

KPM

