

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20772 of 2006

ORDER:

This writ petition is filed seeking a Writ of *Mandamus* by declaring the action of the respondents in making efforts for construction of newly sanctioned two additional class rooms in the land in Sy.No.34 which belongs to the petitioner under DKT No.31 of 1408 dated 17.8.1999 in Kothapet village, Peddashettipalle Grampanchayat, Proddatur Mandal, Kadapa District as arbitrary and illegal and consequently to direct the respondents not to make any construction in the said land.

Heard Smt P.Rajani Reddy, learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Sri G.Seena Kumar, learned counsel for Respondent No.2.

It has been contended by the petitioner that he is an ex-servicemen and the State Revenue Administration in recognition of the service rendered to the nation was pleased to grant DKT patta to him on payment of market value on 17.8.1999 to an extent of Ac.2.50 cents in Sy.No.8/3 and to an extent of 85 cents in Sy.No.34 in Kothapet village, Peddashettipalle Grampanchayat, Proddatur Mandal of Kadapa District and ever since, he is enjoying the said land as the absolute owner without any complaints. It is further contended by the petitioner that during the year 2006, the District Collector, Kadapa had granted administrative sanction for construction of additional class rooms in the existing school. Thereafter, the Mandal Parishad Development Officer, proddatur Mandal and the Assistant Engineer, Panchayat Raj Department,

Proddatur were trying to encroach upon the land to an extent of 85 cents in Sy.No.34 and were constructing additional class rooms. In those set of circumstances, the present writ petition is filed.

Learned Standing counsel appearing for the 2nd respondent had submitted that the class rooms were constructed and handed over to the Mandal Parishad Primary School way back in the year 2012 itself and ever since the said Mandal Parishad Primary School is running peacefully.

Learned Government Pleader had contended that the petitioner was not granted DKT patta in Sy.No.34 to an extent of 85 cents and the petitioner has no right to claim the land to an extent of 85 cents in Sy.No.34.

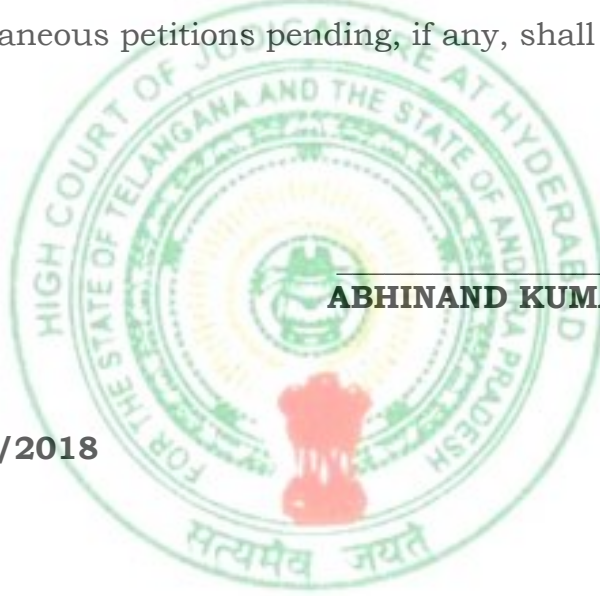
This Court having considered the rival submissions made by the parties, perused the copy of the DKT patta granted in favour of the petitioner on 17.8.1999, which is filed at page no.12 of the material papers. A perusal of the said DKT patta discloses that the petitioner was granted AC.2.50 cents in Sy.No.8/3 and 85 cents in Sy.No.34. The petitioner has informed this Court that he was granted 'No Objection Certificate' to sell the land to an extent of Ac.2.50 cents in Sy.No.8/3 as 10 years have been completed from the date of grant of DKT patta and he already sold the land in favour of 3rd party in respect of land in Sy.No.8/3 to an extent of Ac.2.50 cents. However, the grievance of the petitioner appears to be that he was deprived land to an extent of 85 cents in Sy.No.34.

In view of the above, the petitioner is given liberty to submit a detailed representation to the 1st respondent for grant of alternative land and the 1st respondent shall consider such representation of the petitioner for grant of D.K.T. Patta to an

extent of 85 cents as the said land of the petitioner was utilized for construction of two additional class rooms for the Mandal Parishad Primary School, duly taking into consideration the service rendered by the petitioner to the nation, and pass appropriate orders within a period of eight weeks from the date of receipt of the representation. It is needless to say that it is always open to the respondents to verify whether DKT patta was granted in favour of the petitioner to an extent of 85 cents of land in Sy.No.34.

With these directions the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

Date: 28/03/2018
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