

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.21975 of 2007

ORDER:

This writ petition is filed to declare the action of the respondents in not considering the representation dated 05.09.2000 and reminder dated 09.05.2007 for issue of patta certificates in favour of the petitioners against the land in question of each Ac.5.00 in Sy.Nos.1024/ Part and 12/ Part of Malkaram and Jawahar Nagar Villages of Shamirpet Mandal, Ranga Reddy District, as illegal and arbitrary.

2. The case of the petitioners, in brief is that, all the petitioners are the members of 'Jawahar Nagar Land Colonization Society'; the said society issued membership and allotted each Ac.5.00 of land to the petitioners in Sy.Nos.1024/ Part and 12/ Part of Malkaram and Jawahar Nagar Villages; the petitioners submitted representation to the 2<sup>nd</sup> respondent on 05.09.2000 for grant of pattadar pass books and title deeds in their favour; in spite of their representation, the 2<sup>nd</sup> respondent is not disposing their applications for grant of pattadar pass books and title deeds. Hence, the present writ petition.

3. A counter-affidavit has been filed by the Tahsildar, Shamirpet Mandal, on behalf of the respondents *inter-alia* stating that a Cooperative Society known as 'Jawaharnagar Cooperative Land Colonization Society' was registered as per the orders of the Government in their Memo dated 09.01.1958; the Society issued/ allotted land to 149 Ex-Servicemen; when there was allegations of mismanagement against the Managing Committee of the Society, the District Collector by proceedings dated 27.10.1968 superseded the Committee and appointed Cooperative Sub Registrar as Special Officer to

manage the affairs of the Society; on the representation given by the members of the Society, the District Collector recommended to the Government for resumption of the land from the Society under the custody of RCS and for assignment of land to the eligible Ex-servicemen directly; the proposal of the District Collector vide letter dated 01.04.1970 was considered by the Government as per G.O.Ms.No.17 dated 05.01.1976 by issuing certain guidelines; it was made clear that the land has to be assigned only to those Ex-servicemen, who are in continuous possession; in pursuance of the above G.O. and as per the orders of the Government, the then Tahsildar, Medchal Taluk, conducted detailed enquiry by giving advertisement in daily newspapers, informing the society members, for whom the scheme was originally intended i.e., 149 original members, after conducting their eligibility and possession over the land, prepared patta certificates to 102 members; apart from the original eligible assignment, the persons who managed and got bogus allotment letter from the society also filed cases; the petitioners are neither the ex-servicemen nor local area people of the society; the question of allotment of the land by the society to the petitioners is false and the representation of the petitioners is not pending with the respondents; more over the land is allotted in favour of Tourism Department and HUDA; the remaining area is big hillock; the land in Sy.No.1024/ 1 is allotted to Military Dairy Farm and the land in Sy.No.1024/ 2 is allotted to HUDA and hence, the question of eviction of petitioners from the land does not arise and prays for dismissal of the writ petition.

4. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. Perused the record.

5. Learned counsel for the petitioners would contend that the petitioners are the members of the Jawaharnagar Cooperative Land Colonization Society (JCLCS) and the said society issued membership certificates allotting the land in favour of the petitioners each an extent of Ac.5.00 and in spite of their representation, the 2<sup>nd</sup> respondent has not considered their application for grant of patta pass books and title deeds.

6. Learned Government Pleader for Revenue submits that the Government has made it clear in the G.O.Ms.No.17 dated 05.01.1976 that the land shall be disposed of by way of individual assignment to Ex-servicemen for whom the scheme was originally intended on priority basis. He further contended that the petitioners are not the ex-service men and they are civilians and that the membership certificates and the allotment letters filed by the petitioners are bogus one. He further contended that to prove the veracity of the certificates issued by the society, the petitioners have not even made the said society as a party and thus, it is clear that the documents filed by the petitioners are bogus one.

7. As seen from the counter-affidavit, pursuant to G.O.Ms.No.17 dated 05.01.1976, the Government resumed the land admeasuring Acs.5977.3 guntas from the JCLCS and directed the authorities to conduct a detailed enquiry by giving advertisement in daily newspapers and they in turn prepared patta certificates to 102 members, who are eligible. The government specifically stated that the ex-servicemen alone are entitled for allotment of the said land. Admittedly, the petitioners are not the ex-servicemen. Further the Xerox copies of the membership certificates and allotment letters filed by the petitioners

merely show the allotment of Ac.5.00 of land without any further specifications whatsoever with regard to location and the boundaries. The petitioners, being the civilians, have not filed any other document to show as to how they got allotment of the land from the said society, which is exclusively meant for ex-servicemen. The petitioners did not implead the society, which allegedly allotted the land to the petitioners, to prove their case. In the absence of any other supporting material, the documents filed by the petitioners along with the writ petition cannot be relied upon.

8. In the facts and circumstances stated supra, the writ petition fails and is, accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

Date: 20.07.2018  
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The seal of the High Court of Andhra Pradesh and the State of Telangana is a circular emblem. It features a central green emblem with a white star and crescent, surrounded by a green border. The text "HIGH COURT OF ANDHRA PRADESH AND THE STATE OF TELANGANA" is written in a circular path around the central emblem. Below the emblem, the motto "सत्यमेव जयते" is written in Devanagari script. The seal is partially obscured by the text of the judgment.  
KONGARA VIJAYA LAKSHMI, J

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