

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.9610 of 2007

ORDER:

This writ petition is filed to declare the action of the respondents in contemplating to evict the petitioner from his land in an extent of Ac.4.90 cents in Sy.No.510-1 of Bandameeda Kammappalli Village, Madanapalle Mandal, Chittoor District without issuing any show cause notice, without passing any order in that regard, as illegal and arbitrary.

2. The case of the petitioner is that, he is the owner of the subject land and that his father T.Rangappa purchased the same through the registered sale deed dated 31.03.1941 for valid consideration from one Abdul Khadar, which was assigned to him in the year 1928 and ever since then, his father, his mother Talla Rangamma and after her death, the petitioner have been in successive continuous possession and enjoyment of the land, duly paying land revenue; D-Form patta was issued in favour of the vendor of his father and it is alienable to any subject of British India or Native State, without the permission of the government and accordingly, the father of the petitioner has purchased the land from the assignee as long back as in the year 1941; the revenue authorities also issued pattadar pass book in favour of his mother in recognition of her title; the provisions of Assigned Lands (Prohibition of Transfers) Act, 1977 has no application, as the alienation took place under a registered sale deed in the year 1941, long prior to the commencement of the Act; as the respondents tried to dispossess the petitioner from the subject land without issuing any notice, whatsoever, he filed the present writ petition.

3. This Court, while admitting the writ petition on 01.05.2007, granted interim direction to the respondents not to evict the petitioner from the subject land.

4. Counter-affidavit has been filed by the Tahsildar, Madanapalle Mandal stating *inter-alia* that originally the land in Sy.No.510/ 1 of B.K.Palle is carved out from Sy.No.149/ 1 with an extent of Ac.33.58 cents and classified as G.U. – ‘Gayalu’; the land in Sy.No.149/ 1 was resurveyed and numbered afresh; as per the entry made in 10(1) account of B.K. Palle village, the name of Thalla Ragappa was mentioned against the Sy.No.510/ 1 for an extent of Ac.4.90 cents against Khatha No.170; as per ROR (1), the name of Smt. Thalla Rangamma was mentioned in Col.No.7 as pattadar; as per the entry made in 1-B register, pattadar pass book was issued in favour of Thalla Rangamma W/ o Ragappa for the subject land; the petitioner filed the present writ petition apprehending eviction even if notices were not issued to him; the provisions of Act 9/ 77 applies retrospectively; the said land is only heritable and not alienable; no notice has been issued to the petitioner and that they are not interfering with the possession and enjoyment of the petitioner.

5. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

6. In view of the categorical averment made in the counter-affidavit by the respondents that no notice has been issued to the petitioner and that they are not interfering with the possession and enjoyment of the petitioner, no further orders are necessary in this writ petition.

7. Recording the same, the writ petition is closed. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed.

Date: 17.08.2018
BSS

KONGARA VIJAYA LAKSHMI, J



HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.9610 of 2007



Date: 17.08.2018