

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 25342 OF 2004

ORDER:

This writ petition is filed to declare the action of the respondents in trying to dispossess the petitioner from the dry lands admeasuring Acs.0-15 cents in R.S.No.57/3, Acs. 3-15 cents in R.S.No.12/3 and Ac.0-40 cents in R.S.No.95/5, totally admeasuring Acs.4-50 cents, situated at Gundala Village, Bhadrachalam Mandal, Khammam District, without following due process of law, as illegal and arbitrary.

The case of the petitioner is that his paternal grand father late Veerareddy was lawfully inducted into possession of the land admeasuring Acs. 3-00 cents, in old Sy.No.24 and land admeasuring Acs. 6-00, situated at Gundala Village, Bhadrachalam Division, in the year 1942 by the then Gundala Estate Inferior Proprietor; later on, the said Inferior Proprietor of Gundala Estate granted permanent Jirayatee patta in favour of the grand father of the petitioner in respect of the land admeasuring Acs. 3-00 in old Sy.No.24 on 15.4.1945 and in respect of Acs. 6-00 on 14.07.1947, situated at

Gundala village; the Survey and Settlement operation was commenced in Bhadrachalam Division in the year 1970; the petitioner's father and his brother claimed Ryotwari Pattas under the provisions of A.P. Regulation 2/70 in respect of the above said lands; the Settlement Officer, Bhadrachalam, rejected the claim on the ground that they have not produced any proof that they were granted pattas by the Estate Holder; the Settlement Officer rejected Ryotwari Patta, by order dated 19.3.1978 in case No.6049; aggrieved by the said orders of the Settlement Officer, they have preferred an appeal before the Director of Settlements, Hyderabad, and the said appeal was dismissed by the Director of Settlements as time barred, by order dated 22.05.1990; challenging the said order, the second appeal was preferred before the Commissioner of Settlements, Hyderabad and the same was also dismissed by the Commissioner of Settlements by order, dated 25.11.1992; while so, when the respondents tried to evict the petitioner's father, he filed W.P.No.1938 of 1993 and the said writ petition was disposed of on 19.6.1997 observing as follows:

“ However, it is made clear that any eviction or dispossession is only in accordance with law.”

It is contended that in spite of the order of this Court in W.P. No.1938 of 1993, dated 19.6.1997, the respondents

are trying to evict him without following due process of law. Hence, the writ petition.

An interim direction was granted on 18.1.2005 directing that *status quo* shall be maintained by both the parties.

As seen from the record, the petitioner's father and his brother claimed Ryotwari Pattas under the provisions of A.P. Regulation 2 of 70, but the same was rejected by the Settlement Officer by order, dated 19.3.1978. Aggrieved by the same, they preferred an appeal before the Director of Settlements and the said appeal was dismissed by the Director of Settlements, as time barred, by order dated 22.05.1990, and they also preferred second appeal before the Commissioner of Settlements and the Commissioner of Settlements also dismissed the second appeal on 25.11.1992.

As all the three authorities, namely, the Settlement Officer, the Director of Settlements and the Commissioner of Settlements have dismissed the claim of the petitioner's father, the possession of the petitioner has become unauthorized, and hence, the authorities are entitled to dispossess him. However, this Court is inclined to observe that the concerned authorities shall

follow due process of law before evicting the petitioners from the subject lands.

The writ petition is disposed of accordingly, with the above observations. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 02/08/2018

slk



HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI



WRIT PETITION No. 25342 OF 2004

Dated: 02/08/2018

slk

