

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.11175 OF 2014

ORDER:

The petitioner seeks a writ of mandamus declaring the inaction of the respondents in assigning the land as per the proceedings No.A1/13314/2009, dated 12.08.2010, issued by the 3rd respondent as illegal, arbitrary and consequently direct the respondents to assign the land admeasuring Acres 2.20 guntas in survey No.145 of Suddapalli Village, Dichpalli Mandal, Nizamabad District, in favour of the petitioner.

2. (a) The petitioner's case is that she is a landless poor lady and eking out her livelihood by working as coolie. On her representation, the Collector assigned an extent of Acre 1.00 guntas land in survey No.242 of Suddapally Village during 1979 and she was cultivating the said land. However, in the year 2008, the then Patwari and Village Servant, taking advantage of her poverty, snatched away the patta and she could not retrieve the same. Therefore, she filed petition before Secretary, District Legal Services Authority, seeking a direction to the respondent authorities to restore her patta certificate. The Secretary, District Legal Services Authority, was pleased to direct the respondent No.3 herein to assign one Acre of land in survey No.242 of Suddapalli Village, vide his proceedings in Dis.No.602, dated 14.11.2008.

(b) The further case of the petitioner is that after receiving said order of the Secretary, District Legal Services Authority, respondent No.3 herein i.e., The Tahsildar, Dichpally Mandal, issued proceedings No.A1/13314/2009, dated 12.08.2010, stating that an extent of Acres 2.20 guntas of land in survey No.145 of Suddapalli Village will be assigned to her in the 6th Land Distribution and Assignment Programme, however, no assignment has been taken place subsequently.

Hence, the writ petition.

3. Learned Government Pleader for Revenue took notice for respondents. No counter is filed.

4. Heard learned counsel for petitioner and learned Government Pleader for Revenue for the respondents 1 to 3.

5. The main grievance of the petitioner is that though she could not produce records to show that she was assigned an extent of one Acre of land in survey No.242 of Suddapalli Village, however, after turn of events, the 3rd respondent in his proceedings No.A1/13314/2009, dated 12.08.2010, informed her that land in an extent of Acres 2.20 guntas in survey No.145 was available, which will be considered to be assigned during the 6th Land Distribution and Assignment Programme, but, no assignment did take place subsequently.

6. Learned Government Pleader would submit that there was no positive direction or order in the proceedings

No.A1/13314/2009, dated 12.08.2010, of the Tahsildar and what all it contained was that an extent of Acres 2.20 guntas of land in survey No.145 was Government Land and during the 6th Land Distribution and Assignment Programme, the possibility of assigning the said land to the petitioner would only be considered and therefore, the petitioner cannot maintain the writ petition taking advantage of the said proceedings dated 12.08.2010.

7. A perusal of the proceedings No.A1/13314/2009, dated 12.08.2010 of the 3rd respondent, a copy of which is filed along with the material papers, would show that an extent of Acres 2.20 guntas of land in survey No.145 of Suddapalli Village is the Government land and during the 6th Land Distribution and Assignment Programme, the possibility of assigning the said land to the petitioner will be proposed. True that, as argued by learned Government Pleader, there is no positive promise or direction of the 3rd respondent that the aforesaid land will be assigned to the petitioner. However, the grievance of the petitioner is that there was no information to the petitioner as to whether any meeting had taken place wherein any proposal was made with regard to the assignment of aforesaid land in favour of the petitioner and no communication was made to her.

8. Considering the overall facts, this writ petition is disposed of, with a direction to the respondents to consider

the case of the petitioner for assignment of the land of Acres 2.20 guntas in survey No.145 of Suddapalli Village or any other land subject to the eligibility of the petitioner as per the Assignment Rules and intimate to the petitioner within eight weeks from the date of receipt of copy of this order. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

U.DURGA PRASAD RAO, J

05.12.2018

*Note: issue C.C. by tomorrow.
B/o.SS*

