

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.11278 of 2014

ORDER:

The petitioner seeks Writ of Mandamus declaring the action of the respondent No.4 in proceedings bearing Reference No.A/29/2013 dated 14.02.2013 as arbitrary, illegal, unjust and consequently, direct the respondents to regularize the land purchased by the petitioner in an extent of Ac.1-50 cents in Sy.No.475/A/3 situated in Rajampet Village, Badvel Mandal, Y.S.R. District.

2) The petitioner's case briefly is that she is a landless poor person and she purchased agricultural land from one Gali Subbarayudu for Rs.85,000/- under sada sale deed dated 30.09.2003. Her vendor was granted DKT patta No.77/1405 dated 26.11.1995. Later, the petitioner submitted representation to 4th respondent requesting to grant her DKT patta but no action was taken on her representation. Thereafter, she made a representation to 2nd respondent on 04.02.2013 and her representation was forwarded by 2nd respondent to 4th respondent. On receiving the representation, the 4th respondent passed an order in Ref.No.A/29/2013 dated 14.02.2013 stating that in respect of Sy.No.475/A/3, DKT patta was granted in the year 2008 to some other person. No other reasons were mentioned except stating that DKT patta was granted in the year 2008. Since the petitioner is in possession of the said land from 1995, she is entitled to DKT patta.

Hence the writ petition.

3) Learned Assistant Government Pleader for Revenue appeared for respondents and filed counter, wherein it is *inter alia* contended that the subject land in Sy.No.475-A in an extent of Ac.6-58cts situated in Rajupalem Village, Badvel Mandal, is classified as AW as per RSR of Rajupalem village. The subject land was divided into sub-divisions, in which Sy.No.475-A3 in an extent of Ac.1-50 cts was granted to Gali Subbarayudu under DKT patta vide DKT No.77/1405 dated 26.11.1995 and PPB No.721521 of Katha No.427. Thereafter the petitioner purchased the said land from Subbarayudu under an unregistered sale deed dated 03.09.2003 and she has been in possession and enjoyment of the said land. The-then Village Revenue Officer of Rajupalem village issued extracts of Adangals showing her name as enjoyer of the land for the Fasli Years 1416, 1418 and 1422. It is further averred that petitioner filed representation before the 2nd respondent to grant DKT patta in respect of the land purchased by her. The said representation was forwarded to 4th respondent for taking necessary action. After enquiry, the 4th respondent has issued an endorsement to the petitioner stating that the subject survey number was granted DKT patta in the year 2008 vide Tahsildar's Ref. No.A/29/2013 dated 14.02.2013. While-so, the original assignee i.e, Gali Subbarayudu applied to the Tahsildar, Badvel for duplicate Pattadar Passbook (PPB)/Title Deed (TD) of the subject land in Sy.No.475-A3 in an extent of Ac.1-50 cts as he lost PPB/TDs in the year 2011. The-then Tahsildar, Badvel enquired and recommended to the Revenue Divisional Officer (RDO), Rajampet for grant of permission to issue duplicate PPB/TDs to the original assignee. Basing on the report of

the Tahsildar, RDO, Rajampet issued orders for granting duplicate PPB/TDs to the original assignee vide Ref No.LRDT/124/2011 dated 12.10.2012 and the-then Tahsildar, Badvel issued duplicate PPB/TDs to the assignee bearing PPB No.721521. At that juncture, the petitioner has not objected for granting duplicate PPB/TD in favour of G.Subbarayudu. But thereafter the petitioner filed a representation on 04.02.2013 before the 2nd respondent requesting not to issue duplicate PPB/TD as she was in possession and enjoyment of the said land.

a) It is further contended that the writ petitioner is not a landless poor. Herself and her family members were already assigned Government land as shown in tabular form in the counter. Thus the writ petitioner is not eligible for assignment of the land in Sy.No.475-A3 in an extent of Ac.1-50 cts. Since the petitioner is not entitled to DKT patta, the 4th respondent issued notice in Forms 1 and 2 to both parties i.e, Assignee and Purchaser of the DKT land vide Reference No.-Nil- dt.03.06.2017 and after receiving the explanation from the parties, suitable action will be taken for resumption of DKT land.

4) Heard both sides.

5) As can be seen from the respective pleadings, admittedly the subject land in Sy.No.475-A3 in an extent of Ac.1-50 cts was originally assigned to one Gali Subbarayudu under DKT Patta No.77/1405 dated 26.11.1995. It is also an admitted fact that the writ petitioner purchased the said land from the original assignee under sale deed dated 30.09.2003 and she has been in possession and enjoyment of the said land since then.

She made a representation to the 2nd respondent for granting DKT patta in her favour as she has been in possession and enjoyment of the same. The contention of the respondents is that the petitioner is not a landless poor person and since she purchased DKT patta land, the same cannot be assigned to her. It is also the case of the respondents that in the enquiry vide Ref.No.Nil dated 03.06.2017 initiated under the provisions of Andhra Pradesh Assigned Lands (Prohibition and Transfers) Act, 1977 notices were issued to the original assignee and the present writ petitioner.

6) In the light of above factual scenario, this Writ Petition is disposed of directing the 4th respondent to conduct enquiry and pass an order on merits. The writ petitioner is given liberty to attend the enquiry and make a representation for granting DKT patta to her in respect of the land purchased by her from the original assignee, in which case, the 4th respondent shall pass an order on merits as per Rules. Till completion of the enquiry, the respondents shall not dispossess the petitioner from the subject land. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

Date: 19.12.2018
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U.DURGA PRASAD RAO, J