

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 25359 OF 2004

ORDER:

This writ petition is filed to declare the action of the respondents in trying to dispossess the petitioner from the land admeasuring Acs.4-20 cents in R.S.No.57/5 and Acs. 0-25 cents in R.S.No.57/4, totally admeasuring Acs.4-45 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 father was lawfully inducted into possession of dry 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 father of the petitioner; the Survey and Settlement operation was commenced in Bhadrachalam Division in the year 1970; the petitioner and his brother claimed Ryotwari Pattas under the provisions of Regulation 2/70 in respect of the above said

land; the Settlement Officer, Bhadrachalam rejected the claim on the ground that the petitioner and his brother 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; aggrieved by the said orders of the Settlement Officer, the petitioner 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, he filed W.P.No.1943 of 1993 and the said writ petition was disposed of on 19.6.1997 observing as follows:

“ If the respondents intend to evict the petitioner from the lands in question, they are entitled to do so, after hearing the petitioner and following the due process of law”.

It is contended that inspite the order of this Court in W.P. No.1943 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 claimed Ryotwari Patta under the provisions of Regulation 2 of 70, but the same was rejected by the Settlement Officer by order, dated 19.3.1978. Aggrieved by the same, he 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 the petitioner 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, his possession has become unauthorized, and hence, the authorities are entitled to dispossess him. However, this Court is inclined to observe that the concerned authorities can only evict him, after following due process of law.

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



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