

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.24877 of 2004

ORDER:

Heard Mr.B.Narayana Reddy for petitioner and the Assistant Government Pleaders for Revenue, Assignment and Forest.

The petitioners pray for Writ of Certiorari to call for the records from respondents 3 and 1 in File No.D.Dis.No.19394/98 dated 15.01.2001 and File No.BCW.2/180/2001, dated 28.10.2004 and quash the same as illegal.

The petitioners were issued notice by the Joint Collector-3rd respondent to cancel the assignment granted in favour of petitioners' vendors and resume the same to Government, since the petitioners claimed to have purchased the land from assignees.

Through proceedings dated 15.01.2001 the 3rd respondent held that the assignees are not residents of the village and that the alienation of land by freedom fighters is contrary to G.O.Ms.No.185 Revenue (Assignment-I) Department, dated 11.03.1997 and thereby cancelled the following assignments and directed resumption of land to Government.

S.No.	S.No.	Extent	Name of the assignee	DKT No.
1.	761/ 1 762/ 3D	4.83 5.04	D.Varamma W/ o.Venkatesu	3/ 4/ 1407 dt.21.3.98
2.	762/ 2	3.85	K.Seetharamaiah	1/ 4/ 1407 dt.21.3.98

	762/ 3B	5.75	S o.K. Venkatesu	
3.	762/ 3A 762/ 3C	4.30 5.51	K.Jayalakshmi W/ o.Peddakotaiah	2/ 4/ 1407 dt.21.3.98
4.	762/ 2A 763/ 1 763/ 2	0.49 5.00 3.94	T.Venkatasubba Rao S' o.Pedda Kotaiah	4/ 4/ 1407 dt.21.3.98

Aggrieved by the order of the 3rd respondent, the petitioners filed appeal before the 1st respondent. The 1st respondent, after examining the record, recorded the following findings :-

“Aggrieved by the orders of the Joint Collector dt.15.1.2001 the present appeal is filed. After examining the material papers the appeal has been admitted and lower court records obtained. The case came up for hearing on 22.3.2002. It underwent several adjournments and finally heard on 6.8.2004. As seen from the records, the land in question was originally assigned to Smt.D.Vamma, Sri K.Seetharamaiah, Smt.K.Jayalakshmi and Sri T.Venkata Subba Rao, who in turn sold the said land to the petitioners herein. As per G.O.Ms.No.917 Revenue (Assignments-I) Department, dt.31.10.97, the freedom fighters are not entitled to alienate the lands. If the assigned land is alienated by way of sale by a freedom fighter such assignments shall be cancelled and the land shall be resumed by the Government. The original assignee failed to bring the land into cultivation within two years and alienated the same which is clear violation of the conditions of assignment. This apart, as seen from the records the land in question lies in Anjur Reserve Forest of Srikalahasthi Range. Hence, the Joint Collector has rightly cancelled the assignment made in favour of Smt.D.Vamma, Sri K.Seetharamaih, Smt.K.Jayalakshmi and Sri T.Venkata Subba Rao. I see no reason to interfere with the orders of Joint Collector, Chittoor. The appeal is accordingly dismissed.”

Hence, the writ petition.

The circumstances leading to filing of appeal before the 1st respondent are not disputed. The dates of assignment as well as purchase by petitioners are also not disputed. The only ground urged by Mr.Narayana Reddy is that the 3rd respondent passed ex-parte orders and the petitioners ought to be given fair and reasonable opportunity to establish their case on the show-cause notice issued by the 3rd respondent.

To the pointed query whether the petitioners have placed documentary evidence in the writ petition or atleast before the 1st respondent to show that the petitioners are residents of the village and that the purchase by them does not contravene the requirements of G.O.Ms.No.185 Revenue (Assignment-I) Department, dated 11.03.1997, learned counsel for petitioners submits that the petitioners failed to discharge the same.

The petitioners pray for writ of certiorari and consideration of record discloses that admittedly Sy.Nos.761/1, 762/3D, 762/2, 762/3B, 762/3A, 762/3C, 762/2A, 763/1 and 763/2 are classified as Reserve Forest and whether knowingly or unknowingly assignment to third parties was made. The assignees without wasting any time have sold the same property in favour of petitioners.

This Court is of the view that firstly the assignment of land forming part of Reserve Forest is not within the jurisdiction of

respondents. Be that as it may, the alienation contravenes the assignment conditions and the petitioners since are not residents of the village the resumption of land istenable.

The writ petition fails and is accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 07.02.2018
Prv



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Prv