

HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO: 12708 OF 2007

ORDER :

This writ petition is filed challenging the orders in Rc.E-2/143/4/07, dated 09/4/2007 of the first respondent - Joint Collector, Kurnool, confirming the orders of the second respondent - Revenue Divisional Officer, Kurnool in Rc.C.1610/2006, dated 30/12/2006 and the third respondent - Tahsildar/Mandal Revenue Officer, Dhone, Kurnool district, in Rc.B.534/2005, dated 14/8/2005.

2. The brief facts of the case so far as relevant for the disposal of the writ petition are that :

The petitioners are the owners of the land admeasuring an extent of Acs:5-76 cents in survey No. 479/H of Dhone, Kurnool district; the said property was purchased under registered sale deed; the third respondent - Tahsildar issued a notice to the vendors of the petitioners stating that it is a Government land; the petitioners filed a representation on 20/8/2005; without considering their reply, the third respondent has passed impugned order dated 14/8/2005 stating that the Revenue Divisional Officer asked for the particulars of the Government lands available in the surrounding of Dhone village for the purpose of house-sites to the poor; as per the Revenue record an extent of Acs:32-96 of Government land is under the possession of the petitioners and others; during the enquiry it is learnt that one Sri Mahaboob Khan, who was the Village Munsif transferred the assessed waste land into patta land and entered in 10 [1] Register as patta land without notice of the officers but in R.S.R., the land is noted as assessed waste land;

The petitioners filed an appeal before the Revenue Divisional Officer; Revenue Divisional Officer disposed of the same on 30/12/2006 holding that the petitioners have failed to produce any documentary evidence and the Re-Settlement Register of 1908, shows that the land is a Government land ; Revenue Divisional Officer has confirmed the orders passed by the Tahsildar; the petitioners filed an appeal before the Joint Collector, Kurnool and the Joint Collector, by an order dated 09/4/2007 confirmed the orders of the Revenue Divisional Officer, Tahsildar.

3. Counter-affidavit has been filed by the respondents stating that the land in survey Nos. 480 and 479-H to an extent of Acs:32-96 of Dhone Revenue village of Dhone Mandal is classified as Government 'AW' dry. The said land was resumed by the Tahsildar, Dhone, vide Proceedings No. 534/2005, dated 14/08/2005 and house-site pattas were distributed to 1176 poor beneficiaries; 500 Urban houses were sanctioned in the said layout on 27/08/2005 by the District Collector/Executive Director, A.P. State Housing Corporation Limited, Kurnool district; the beneficiaries have started their constructions pursuant to the orders passed by the Revenue Divisional Officer, Kurnool.

4. The writ petition was admitted and in W.P.M.P.No. 15857 of 2007 interim suspension was granted on 19/6/2007. The respondents 1 to 3 have filed vacate stay petition, the interim suspension order dated 19/06/2007 was vacated, on 12/06/2012.

5. In view of the categorical statement made by the respondents in the counter-affidavit, interim suspension was vacated by order dated 12/06/2012. No reply affidavit has been filed by the petitioners. In view

of the categorical statement made in the counter-affidavit stating that the said land is classified as “Government Assessed Waste Dry” as per the Re-settlement Register of 1908 {Lands Basic Register} and as the same was resumed by the Tahsildar, vide proceedings dated 14/08/2005, there are no merits in the writ petition and the same is liable to be dismissed.

6. In view of the above facts and circumstances, the writ petition is dismissed. No costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.



JUSTICE KONGARA VIJAYA LAKSHMI

10/07/2018
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(DISMISSED)



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