

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.6247 of 2013

ORDER:

The petitioner states that she is a resident of Etavakili Village and Post, Punganur Mandal, Chittoor District. She is the only daughter to late Chinnappa, who was assigned the land to an extent of Ac.0.73 cents situated in Survey No.135/8 of Mangalam Revenue Village, Punganur Mandal, Chittoor District. She states that her father executed a Will, dated 15.07.1977, transferring his interest over all the properties in her favour. She states that after death of her father, she approached the revenue authorities for mutation of her name in the revenue records and when no action was taken, she got issued a legal notice on 02.02.2009. In spite of the same, when no action was taken, she filed a suit in O.S.No.22 of 2010 on the file of Principal Junior Civil Judge, Punganur, against the respondents. When the respondents tried to encroach upon the subject land, she got issued a notice on 19.02.2013 and filed the present Writ Petition.

2. Now, a counter-affidavit is filed stating as follows:

“The father of the petitioner himself alienated the assigned land during his life time to one Sri Matheti Yerrapa Reddy S/o Venkatreddy of Mangalam Village on 02.07.1979 by an unregistered sale agreement and delivered possession. The petitioner an only daughter to the assignee got married one A.Sree Ramulu of Yatavakili Village at about more than four decades (She admitted that her age is 65 now) and residing there in and not residing in the Village Mangalam where the Writ scheduled land is situated. As the assignee alienated the assigned land during the year 1979 itself it has been cancelled after due process of law and resumed to Government vide Mandal Revenue Officer's Roc B/97/2007 dated 30.6.2007 as submitted above. Further I submit that the Writ scheduled land is situated within Punganur Municipal limits surrounded by residential houses and the same is not in possession and enjoyment of the petitioner at

no point of time and resumed to the Government even prior to the institution of the Suit in O.S.No.22 of 2010 pending before the Principal Junior Civil Judge of Punganur. In fact he alienated the land to one Sri Matheti Yerrapa Reddy S/o Venkatreddy of Mangalam Village on 02.07.1979 for a valuable consideration of Rs.1000/- and delivered possession on the same day. The assignee died about in the year 1985. During the enquiry the purchaser's wife produced the unregistered sale agreement and requested to regularize the sale transaction. I submit that the petitioner is no way concerned to the land in question."

3. In view of the above averments in the counter-affidavit, the subject land was resumed by the Government even prior to filing of the suit in O.S.No.22 of 2010. Hence, there cannot be any truth in the allegation that the respondents are trying to interfere with the land of the petitioner. If the petitioner has any remedy against the order of resumption passed by the authorities, it is open to her to take appropriate steps in accordance with law, but, the relief sought for in the writ petition cannot be granted.

4. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

FEBRUARY 15, 2018
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Date:15.02.2018

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