

HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.20267 OF 2007

ORDER

This writ petition is filed for the following relief:

“...to issue an order, writ or direction more particularly in nature of Writ of Mandamus declaring the action of respondents in taking steps to acquire the land of petitioner an extent of Ac.1.42 cents in S.No.372-10 of M.Beerepalli Village of Maluguru Polam, Hindupur Mandal, Anantapur District, without following any procedure and without initiating proceedings under any of the statutes as illegal, arbitrary and violative of Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents to follow due process of law by acquiring the land either by Land Acquisition or by consent as otherwise the petitioners would suffer irreparable loss and injury and pass such other order or orders that the Hon'ble Court may deem fit and proper in the interest of justice.”

It is the case of the petitioner that he claims to be the landless poor person. The 3rd respondent assigned land admeasuring Ac.1.42 cents in S.No.372-10 of Beerepalli of Maluguru Village Polam, Hindupur Mandal, Anantapur District, *vide* proceedings dated 16.08.1983 to him. Since then, he is in possession and enjoyment of the same. The said land was a dry land. He brought the said land under cultivation by investing huge amounts. In support of his claim, he filed 10-1 Adangals. It is further case of the petitioner that the revenue authorities issued pattadar pass books and title deeds in his favour. He dug bore well and got electricity connection *vide*

Service No.206. Presently, in the said land apart from Chilly, Ragi and Maize crops, 100 coconut trees are also grown. His family is consisting of 9 members i.e., wife, two sons, one daughter and three grand children and they are depending on the income derived from the said land by cultivating the same. The Mandal Surveyor along with his staff visited the said land on 21.09.2006 and measured the same on the ground that the said land is required for providing house sites under Indiramma Phase II Programme. When the respondent authorities, without following any procedure, are taking steps to acquire the land in S.No.372-10, Beerepalli of Maluguru Village, the present writ petition is filed.

Counter-affidavit has been filed on behalf of respondents stating that as per village diglot, S.No.372 is having only seven sub-divisions and S.No.372.10 does not exist at all. S.No.372-7 is still assessed waste land and not assigned to anybody. D.A.No.69/91, dated 16.8.1983, does not exist at all. The petitioner has filed manipulated records such as 10-1 Adangal before the Court. As per the adangal entries, the land is classified as assessed waste land and kept waste since several years. The petitioner has obtained pattadar pass book and title deed by producing manipulated records and bogus patta. The pattadar pass book/title deed will not confirm the title

over the land. They denied that the petitioner dug bore well in the land and taken electrical connection with consumer service No.206 for the motor fixed to the bore well for water supply. Further, a report has been submitted to the Revenue Divisional Officer, Penukonda, for cancellation of the pass books. The petitioner is having the following lands apart from the land in question.

Sl. No.	Survey No.	Extent in Acres	Classification
1	372-5A	1.05	Dry (Assigned land)
2.	450-3B	1.00	Wet (own land)
3.	369-1	0.32	Dry (Assigned land)
4.	372-4	0.32	Dry (Assigned land)
5.	347-1	0.19	Dry (Assigned land)
6.	449-3	0.05	Wet (own land)
7.	449-4	0.04	Wet (own land)
8.	365-2A	0.16	Dry (assigned land)

The petitioner is not cultivating the land in question. The land in an extent of Ac.3.95 in Sy.No.372/7 was selected for providing house sites under Indiramma Phase II programme as EBC Colony is existing adjoining to the land in question. The land in question is purely a Government assessed waste land and the question of initiating proceedings under the Land Acquisition Act does not arise since S.No.372.10 does not exist at all. When there is no S.No.372/10 in Muluguru, the question of dispossessing the petitioner, without following due process of law, does not arise.

In the facts and circumstances of the case and in the interest of justice, if the petitioner is in possession of the land in Sy.No.372.10, M. Beerepalli Village, Maluguru Polam, Hindupur Mandal, Anantapur District, the respondents are at liberty to dispossess him by following due process of law.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

23rd March, 2018
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JUSTICE M.GANGA RAO