

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.5949 OF 2006

ORDER:

This Writ Petition is filed to issue a Writ of Mandamus declaring the action of the respondents in dispossessing the petitioners from their house sites in survey No.107/3 to an extent of Acs.0.04 ¼ cents each (patta No.148) of Akkarampalli Village, Tirupathi Urban Mandal, Tirupathi, Chittoor District, as illegal, arbitrary, contrary to law and against the principles of natural justice and consequently declare that the action of respondents 2 and 3 vide proceedings in ROC No.A/137/85 dated 11.10.2004 pursuant to the orders of the Joint Collector-cum-Settlement Officer in S.R.No.8/15(1)/79 dated 08.04.2002 against the petitioner is unwarranted and illegal and sheerly directed against A.Narayanamma.

2. The case of the petitioners is that they had purchased house site admeasuring Ac.0.04 ¼ cents each situated at Akkarampalli, Chandragiri, Tirupathi Urban Mandal, in survey No.107/3 out of Ac.1-86 cents from one late Sri V.Raghunadha Reddy, through registered sale deeds dated 29.08.1981 vide document Nos.4870/81 and 4865/81. Petitioners developed the land by laying fencing around the land and most of the purchasers have constructed pucca buildings in their respective lands. It is further stated that after verifying the records, they found that the name of their vendor V.Raghunadha Reddy was recorded in revenue records and his name was mentioned in survey and settlement register as a pattadar. After their purchase, they were put in possession by their vendor. While so, in the month of

January, 2006, the third respondent along with his sub-ordinates tried to dispossess the petitioners from the house sites. Again on 20.03.2006, the third respondent his subordinates threatened to evict the petitioners without any notice and without due process of law. On verification by the petitioners, it is found that the third respondent was trying to evict the petitioners from the subject land at the instance of legal heir of A.Ganga Reddy, who claims to be the strotramdars of the land, claimed settlement patta under Section 11 of the Estate Abolition Act, 1948.

3. Petitioners further state that the respondent authorities are not issuing no-objection certificates even though the sale deeds are shown, which are validly purchased from their vendor pattedar in survey No.107/3 for mutation of records and conversion of land and were being harassed and put to hardship. Petitioners further state that they came to know from the legal heir of the petitioners' vendor, the predecessor in title. As per the settlement register, the land extent of Ac.1-86 cents in survey No.107/3 of Akkarampally village, stands registered in the name of Sri V.Raghunadha Reddy as per the proceeding of the District Revenue Officer, Chittoor, vide Reference No.H3/5304/75 dated 25.07.1975. However, one Sri Gangi Reddy, who was unsuccessful against the petitioners' vendor before the Civil Court filed a petition before the Settlement Officer, Nellore, claiming patta in respect of the land admeasuring Acs.6-29 cents of Akkarampalli (V) including the land in survey No.107/3. The Settlement Officer, Nellore, granted patta under Section 15 (1) of Estate Abolition Act vide proceedings in S.R.No.8/15(1)/79 dated 30.09.1981. The petitioners' vendor was not a party and no notice was served on him. The District

Collector, being aggrieved by the order of the Settlement Officer, had filed a revision petition in A.S.No.4/83 before the Estate Abolition Tribunal, Chittoor. The Tribunal dismissed the petition by order dated 05.12.1987. The petitioners' vendor Sri V.Raghunada Reddy filed W.P. No.13568 of 1988 before this Court to quash the orders issued in SR No.8/15(1)/79/CTR dated 30.09.1981. This Court remanded the matter to the Estate Abolition Tribunal, Chittoor, for fresh disposal according to law. Accordingly, Sri V.Raghunada Reddy and four others filed a petition before the Special Judge for Estate Abolition Tribunal, Chittoor, in A.S.No.1/95 and 4/83 against the orders of the Settlement Officer, Nellore. The Tribunal, while setting aside the order of the Settlement officer, dated 30.09.1981, remanded the matter to the Settlement Officer for fresh consideration. In pursuance to the judgment of the Estate Abolition Tribunal, Chittoor, in A.S.Nos.4/83 and 1/95 and as per the orders of the District Collector, Chittoor, in proceedings No.B/541/97 dated 06.03.1997, the Mandal Revenue Officer, Tirupati Urban, deleted the names of petitioners' vendor V.Raghunada Reddy in the revenue records in respect of land in survey No.107/3 to an extent of Ac.1.86 cents of Akkarampalli (V).

4. As per the remand orders of the Tribunal, the Joint Collector-cum-Settlement Officer, vide SR No.8/15(1)/79 had taken up the settlement proceedings, but the claim petitioner A.Gangi Reddy and his legal representatives filed a memo before the Settlement Officer, Chittoor, stating that they are not pressing their claim against the land in survey No.107/3 to an extent of Ac.1-86 cents of Akkarampalli (V). As per the said memo, the Joint

Collector-cum-Settlement Officer, has passed orders dismissing the petition as 'not pressed' with regard to the land to an extent of Ac.1-86 cents in survey no.107/3 in SR No.8/15(1)/79/CTR dated 22.01.1998. Thereafter, the Joint Collector-cum-Settlement Officer, Chittoor, rejected the petition in his proceedings in SR No.8/15(1)/79 dated 08.04.2002 holding that petitioner Sri A.Gangi Reddy and others could not produce the records evidencing their right and possession from 01.07.1945 to the date of taking over the estate as required under Estate Abolition Act and also holding that the lands in survey No.107/3 of Akkarampalli (V) is not pressed by the petitioner claimants and as such the claim was accordingly deleted and the petition was dismissed deleting the land from the scope of enquiry and adjudication as far as survey No.107/3 is concerned.

5. Further, during the survey and settlement operations in Tirupati area in the year 1963, ryotwari patta was granted in favour of the petitioners' vendor V.Raghunada Reddy in respect of lands admeasuring Ac.1.86 cents in survey No.107/3 of Akkarampalli (V) and appropriate entries were made in the Permanent Survey and Settlement Records. The Joint Collector-cum-Settlement Officer, Chittoor, vide proceedings dated 08.04.2002 dismissed the claims of A.Gangi Reddy and set aside the patta granted in his favour by the Settlement Officer, Nellore, as per order dated 08.04.2002 as null and void whereas the title and rights of the petitioners' vendor V.Ragunada Reddy, the predecessor in title of the lands in survey No.107/3, was confirmed and not disturbed. The petitioners' vendor also paid compensation vide award No.2/88 dated 11.03.1988 of the Land Acquisition

Officer and Special Deputy Collector (Land Acquisition), TUDA, Tirupati, for an extent of lands Acs.0-19 cents in survey no.107/3, which was acquired by TUDA, Tirupati, for widening and strengthening of Tirupati, Karakambadi road and the road was also laid and compensation so ordered was deposited in the Sub-Court, Tirupati, under Section 31 (2) of the Land Acquisition Act for adjudication since there was a title dispute at that point of time.

6. The petitioners further state that under the guise of the orders passed by the Joint Collector-cum-Settlement Officer, Chittoor, in SR No.8/15(1)/79 dated 08.04.2002 and as per the orders of the District Collector in Ref.No.F1/7768/2002 dated 26.08.2004, the Mandal Revenue Officer, the 3rd respondent, tried to take possession of the lands from the petitioners, but the petitioners resisted the same and filed the present writ petition.

7. This Court on 26.04.2006 while admitting the writ petition, directed to maintain status quo existing as on that date, as the learned Assistant Government Pleader on instructions submitted that the possession of the subject land was already taken over.

8. The counter is filed by the third respondent on behalf of respondents 1 to 3 stating that the land extent of Ac.1-86 cents in survey No.107/3 of Akkarampalli (V), Tirupati Mandal is classified as Assessed waste dry as per the village accounts. The petitioners' vendor, predecessor in title V.Raghunada Reddy, had claimed ryotwari patta in respect of the lands in survey Nos.07/3, 112/1 and 113/1 admeasuring Acs.1-86 cents, Ac.1-91 cents and Acs.2-23 cents respectively of Akkarampalli (V). The District Revenue

Officer, Chittoor, issued proceedings bearing Ref.No.H3/5304/75 dated 25.07.1975 stating that already patta was granted in the name of V.Raghunada Reddy of Tirupati Town in respect of the lands in survey Nos.107/3, 112/1 and 113/1 of Akkarampalli (V).

9. Thereafter, one A.Gangi Reddy S/o.Muni Reddy of Akkarampalli (V) filed an application before the Settlement officer, Nellore, for grant of ryotwari patta under Section 11 (a) of the Estate Abolition Act for the lands admeasuring an extent of Acs.6-29 cents in Sy.Nos.112 and 113 of Akkarampalli (V) including the lands in survey No.107/3 for which patta was granted to the petitioner by the Settlement Officer, Nellore, granted patta in favour of A.Gangi Reddy in SR.No.8/15(1)/79 dated 30.09.1981. Aggrieved by the same, the District Collector, had filed the revision petition in A.S.No.4/1983 before the Estate Abolition Tribunal, Chittoor. The Tribunal dismissed the revision petition vide order dated 05.12.1987. Further, the petitioners' vendor V.Raghunada Reddy filed W.P.No.13568/1988 seeking to quash the orders of the Settlement officer, Nellore, passed in SR No.8/15(1)/79/CTR dated 30.09.1981. This Court allowed the writ petition and remanded the matter to the Estate Abolition Tribunal for fresh disposal. In pursuance to the said orders, the Estate Abolition Tribunal, passed common order in AS No.1/95 and 4/83, remanded the matter to the Settlement Officer, Nellore, for fresh disposal in accordance with law. On such remand, the Joint Collector-cum-Settlement Officer, based on the memo filed by A.Gangi Reddy stating that they are not pressing their claim against the land extent of Ac.1-86 cents in survey No.107/3 of Akkarampalli (V). The Joint Collector-cum-Settlement Officer,

Chittoor, passed orders accordingly and the petition was dismissed as not pressed with regard to the land in survey no.107/3 to an extent of Ac.1-86 cents of Akkarampalli (V) vide proceedings in SDR No.8/15(1)/79 dated 22.01.1998. Thereafter, the Joint Collector-cum-Settlement Officer rejected the claim of A.Gangi Reddy in respect of other lands vide order dated 08.04.2002. In view of the orders passed by the Joint Collector-cum-Settlement Officer, Chittoor, in SR No.8/15(1)/79 dated 08.04.2002, and the District Collector in Ref.No.F1/7768/2002 dated 26.08.2004, the third respondent-Mandal Revenue Officer was asked to take over the possession of the land in survey No.107/3 to an extent of Ac.1-86 cents along with structures on the land by following due process of law on 27.01.2005 as the land in survey No.107/3 is vested with the government.

10. Heard both sides.

11. The counsel for the petitioners Sri G.Dasaradharami Reddy would contend that the petitioners purchased house sites admeasuring Ac.0.04 ½ cents each situated at Akkarampalli (V), Chandragiri, Tirupathi Urban Mandal from one late Sri V.Raghunadha Reddy, through registered sale deeds, dated 29.08.1981. Since then, they are in possession and enjoyment of the house sites. While so, the respondents in the month of January, 2006 and again on 20.03.2006 threatened to evict the petitioners without any notice and without due process of law. The learned counsel further contended that as per the settlement register, the land to an extent of Ac.1.86 cents situated in Sy.No.107/3 of Akkarampalli, Chandragiri, Tirupathi Urban Mandal stands registered in the name of Sri V.Raghunadha Reddy

as per the proceedings of the District Revenue Officer, Chittoor, vide reference No.H3/5304/75, dated 25.07.1975. However, one Sri Gangi Reddy, opponent of Sri V.Raghunadha Reddy, filed a petition before the Settlement Officer, Nellore claiming patta in respect of the land admeasuring Acs.6.29 cents in survey Nos.112 and 113 of Akkarampalli Village including the land in Sy.No.107/3. On 30.09.1981 settlement patta was granted in his favour without any notice to the petitioners' vendor. Being aggrieved by the patta granted on 30.09.1981, the District Collector preferred appeal bearing A.S.No.4/83 before the Estate Abolition Tribunal, Chittoor (for brevity 'the Tribunal'). The Tribunal dismissed the petition on 05.12.1987. The petitioners' vendor V.Raghunadha Reddy filed W.P.No.13568 of 1988 against the order dated 30.09.1981 of Settlement Officer, Chittoor, before this Court. This Court remanded the matter to the Tribunal for fresh disposal. Accordingly, the petitioners' vendor filed A.S.No.1/95 before the Tribunal. The Tribunal having heard both sides, set aside the order of the Settlement Officer dated 30.09.1981 by allowing both the appeals viz., A.S.No.4/83 and 1/95 on the file of the Estate Abolition Tribunal, Chittoor, on 27.07.1996 and remanded the matter to the Settlement Officer for fresh consideration. The Settlement Officer-cum-Joint Collector, on memo filed by the claimants-legal heirs of A.Gangi Reddy, passed the order dismissing the petition as 'not pressed' with regard to the land to an extent of Ac.1.86 cents in Sy.No.107/3 on 22.01.1998. Ultimately, the Joint Collector rejected the claim petition on 08.04.2002. Hence, the patta granted on 25.07.1975 in favour of the petitioners' vendor was not disturbed. Hence the

petitioners' vendor V.Raghunadha Reddy was the rightful owner by virtue of the patta granted on 25.07.1975. Hence, the 3rd respondent, as per the orders of the Settlement Officer dated 08.04.2002 and as per the orders of the District Collector, Chittoor, dated 26.08.2004, tried to evict the petitioners from the lands but the petitioners resisted the same and filed the present writ petition.

12. The learned counsel for the respondents while reiterating the case facts narrated by the learned counsel for the petitioners, contended that 3rd respondent as per the orders of the District Collector dated 26.08.2004 and Joint Collector dated 08.04.2002, had taken possession of the petitioners' house sites *inter alia* other contentions are unsustainable.

13. In the facts and circumstances of the case, in the considered view of this Court, it is found that the petitioners have purchased the house plots admeasuring Ac.0.04 ½ cents each in Sy.No.107/3 of Akkarampalli from V.Raghunadha Reddy after verification of his title to the land. On perusal of the record, it is found that the patta granted in favour of the petitioners' vendor on 25.07.1975 was not disturbed *in spite* of passing of the subsequent orders. The District Collector preferred revision petition before the Tribunal. The Tribunal dismissed the revision petition in A.S.No.4/83 on 05.12.1987. On remand of the matter from the High Court in W.P.No.13568 of 1988, the Tribunal, after fresh consideration of the matter, remanded the matter to Survey and Settlement Officer duly setting aside the proceedings dated 30.09.1981. The Joint Collector on memo dismissed the claim of A.Gangi Reddy in respect of the land to an extent of Ac.1.86 cents

in Sy.No.107/3 of Akkarampalli Village. Ultimately the Tribunal dismissed the entire claim of late A.Gangi Reddy for grant of settlement patta in respect of the lands to an extent of Acs.6.29 cents in Sy.Nos.112 and 113 including land to an extent of Ac.1.86 cents in Sy.No.107/3 of Akkarampalli Village. The land to an extent of Ac.0.19 cents in Sy.No.107/3 of Akkarampalli Village was acquired by the Land Acquisition Officer and Special Deputy Collector, Land Acquisition, TUDA, Tirupati, for widening and strengthening of Tirupati-Karakambadi road. The Land Acquisition Officer due to title dispute, referred the matter under Section 30 of the Act to the Principal Junior Civil Judge, Tirupati. The Civil Court held that the purchasers from V.Raghunadha Reddy, who is predecessor-in-title of subject house sites, are the absolute owners of the property and paid compensation to them in respect of the acquired land in Sy.No.107/3 of Akkarampalli Village vide Award No.2/88, dated 11.03.1988. Hence, the petitioners validly purchased the house plots from V.Raghunadha Reddy, whose name was found in the settlement records, and when the 3rd respondent-Mandal Revenue Officer tried to take possession of the lands illegally, they filed this writ petition and this Court passed the interim order of *status quo*. Further, the petitioners are in continuous possession of the lands *in spite* of the claim of the respondents that the petitioners were dispossessed on 27.01.2005. The claim of the respondents that the petitioners were dispossessed is not supported by any legal processes as required under law.

14. Therefore, the writ petition is allowed by setting aside the proceedings bearing ROC No.A/137/85 dated 11.10.2004

passed by the third respondent. Further, the respondents are directed not to dispossess the petitioners from the house plots in question in Sy.No.107/3 of Akkarampalli Village, Chandragiri, Tirupathi Urban Mandal.

15. Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

(M.GANGA RAO, J)

15th February, 2018
sur/Tsnr

