

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.25567 of 2007

ORDER:

This writ petition is filed to declare the inaction of the Tahsildar in granting D-Form patta for an extent of Ac.3.00 in Sy.No.77, Kokkupalem Village, Chittamuru Mandal, Nellore District, as illegal and arbitrary and consequently, direct the respondents not to evict him from the subject land.

2. Brief facts of the case, according to the petitioner, are that the petitioner's father was cultivating the land in an extent of Ac.3.00 in Sy.No.77 of Kokkupalem Village since 1980 and after his demise, the petitioner came into possession of the said land and cultivating the same by raising crops; he filed an application before the Tahsildar for grant of D-Form patta on 27.06.1998.

3. A counter-affidavit has been filed by the Tahsildar, stating *inter-alia* that the total extent in Sy.No.77 of Kokkupalem village is Ac.15.25 cents, classified as 'Anadheenam dry land'; out of it, an extent of Ac.14.03 cents was assigned in favour of 15 persons and an extent of Ac.1.22 cents was not assigned, as the same was not fit for cultivation; an extent of Ac.2.00 was assigned in favour of Kommari Masthanaiah, but the said land was encroached by the petitioner; as his possession over the subject land violates the provisions of the A.P. Assigned Land (Prohibition of Transfer) Act, 1977, action is being initiated against him by following due process of law; the request of the petitioner for grant of assignment can be considered elsewhere, subject to availability and the eligibility.

4. Heard the learned Assistant Government Pleader for Revenue (Assignment). None appears for the petitioner. Perused the record.

5. As seen from the record, the petitioner encroached the subject land which was assigned in favour of one Kommari Masthanaiah. Learned Assistant Government Pleader would contend that the request of the petitioner for grant of assignment can be considered elsewhere subject to availability of the assigned land in the village and his eligibility. As the subject land was already assigned in favour of Kommari Masthanaiah, and the petitioner being encroacher, the respondents are at liberty to evict the petitioner from the subject land by following due procedure, in accordance with law.

6. The writ petition is, accordingly, disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

Date: 31.07.2018
BSS

KONGARA VIJAYA LAKSHMI, J

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