THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.35007 of 2013

Order:

The petitioner is a society registered under the Societies Registration Act. It established a Junior College for Girls in July 1969. It constructed a hostel for girl students and a home for residence of sisters and teachers. On the representation of the petitioner's society, the then Tahsildar, Guntur assigned the land of an extent of Ac.4-08 cents situated in Survey No.566/B and another extent of Ac.3-68 cents situated in Survey No.569 of Nallapadu village on 31.05.1979. The petitioner took possession of the said property. The name of the petitioner was entered in the revenue records and pattadar passbooks and title deeds were issued. The petitioner constructed a compound wall around the said property including the property already owned by the petitioner society. Since the petitioner society established a Nursing College for Girls, it constructed a hostel for nursing students studying in the college. The society, with its educational institutions, is situated to the north of the highway road leading from Perecherla to Guntur. It has become a prime locality. The petitioner society submitted a representation on 16.03.1991 to the seventh respondent for mutating the name in the revenue records. Even after granting pattadar passbooks and title deeds when the seventh respondent did not mutate the names, they submitted another application on 18.11.2013 to the fifth respondent and the fifth respondent forwarded the same to the seventh respondent. However, when the respondents 3 to 5 along with police authorities tried to interfere with a part of the landed property situated in Survey No.566/B in an extent of Ac.4-08 cents, the present Writ Petition was filed.

Now a counter affidavit is filed by the seventh respondent stating that as per RSR of Nallapadu village, Guntur Mandal, the total extent of the land situated in Survey No.566 classified as Government dry land is Ac.7-24 cents and it is noted as dots in column No.14 as well as in the remarks column. Out of the total extent of Survey No.566, an extent of Ac.3-16 cents in Survey No.566/A was classified as AWD land and allotted the same to the landless poor persons. The remaining land of Ac.4-08 cents in Survey No.566/B was classified as Government land and the same is vacant. After submission of representation by the President of the petitioner society, the Joint Collector forwarded the same to the seventh respondent for incorporating the name of the petitioner in the revenue records. The copies of DKT pattas were enclosed along with the said representation. The petitioner also produced the pattadar passbooks and title deeds. However, in respect of the land of an extent of Ac.3-68 cents situated in Survey No.569, the petitioner did not produce the DKT patta except filing pattadar passbook and title deed. The search for DKT patta in respect of the said land did not yield any result. The said survey number in 569 was classified as 'Vagu Poramboke' and the land of an extent of Ac.4-08 cents in Survey No.566/B was classified as dotted land. The earlier assignment of the land in favour of the petitioner was irregular, since it was not assigned for agricultural purpose, but for educational institution. Accordingly, the ground position was reported by the Village Revenue Officer. It is also stated that the land of an extent of Ac.4-08 cents in Survey No.566/B is in Government possession, but not in possession of the petitioner. The petitioner never used the said schedule property for any purpose. It was proposed to be allotted to the Police Department for construction of office building and staff quarters of

Nallapadu Police Station under land alienation scheme. Out of the total extent of Ac.3-68 cents situated in Survey No.569, which was classified as Vagu Poramboke, the petitioner society constructed building in an extent of Ac.2-25 cents and the remaining extent of Ac.1-43 cents is vacant on ground.

Now the above facts reveal that the petitioner was issued DKT patta No.72/83 on 31.05.1979 in respect of the land of an extent of Ac.4-08 cents situated in Survey No.566/B and Ac.3-68 cents situated in Survey No.569. The pattadar passbooks and title deeds were issued in respect of the above lands apart from the land of an extent of Ac.1-05 cents situated in Survey No.566/A which was purchased by the petitioner. The petitioner wanted the mutation of the name of the petitioner in the revenue records. Now it is stated that the land in Survey No.569 is classified as Vagu Poramboke, but the building constructed by the petitioner is already in existence in a portion of the land. Now the land in Survey No.566/B is proposed to be alienated in favour of the Police Department.

Prima facie, such stand by the seventh respondent cannot be appreciated after nearly 30 years. There is *prima facie* evidence of assignment in favour of the petitioner and pattadar passbooks and title deeds were also issued. In such circumstances, the consequential step of mutating the name of the petitioner in the revenue records should be a natural event in the normal circumstances. But, it is stated that the land in Survey No.566 is stated to be classified as dotted land and the petitioner was assigned the land of an extent of Ac.4-08 cents on 31.05.1979. In respect of the said dotted lands, the Government enacted

A.P. Dotted Lands (Updated in Resettlement Register) Act, 2017 (for short 'the Act').

In view of the same, the petitioner is given liberty to take action in accordance with the provisions of the said enactment in respect of the lands situated in Survey No.566/B within a period of thirty (30) days from the date of receipt of a copy of this order. If the petitioner files such application within the period aforesaid, the possession of the petitioner shall not be interfered with. If the petitioner does not file any application, it is open to the respondents to take appropriate action in accordance with law.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

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

A.RAMALINGESWARA RAO, J

Date: 15.03.2018
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