

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION NO.28859 OF 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue a writ of mandamus declaring the action of the respondents more particularly the 3rd respondent in trying to dispossess the petitioners from their respective extent of lands i.e, Ac.1.42 cents and Ac.1.41 cents in Sy.No.667/3 of Somarajupalli village, Singarayakaonda Mandal, Prakasam District, as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioners from the above lands.

2. Heard learned counsel for the petitioners, the learned Government Pleader for Revenue and perused the record.

3. It is the case of the petitioners that though they are in possession of the lands, but the respondent authorities are trying to dispossess them without following the due process of law.

4. Learned Government Pleader placed on record the written instructions received from the Tahsildar, Singarayakonda, dated 14.08.2018, wherein it is stated that land in Sy.No.667, admeasuring Ac.8.51 cents is classified as Lambadi Digumajili Poramboke as per RSR and was sub divided as 667-1, admeasuring Ac.2.84 cents, 667-2, admeasuring Ac.2.84 cents and 667-3 to an extent of Ac.2.83 cents. A petition was filed on 02.07.2018 by P.Dada Khan to implement the orders of this Court in W.P.No.27012 of 2005, dated 21.03.2018 to demarcate and deliver the land to an extent of Ac.0.02 ½ cents in favour of 9 persons within

a period of 8 weeks from the date of receipt of the copy of the order. It is further stated that Sri Konda Lalitha Babu and 81 others were granted house site pattas in an extent of Ac.2.88 cents in Sy.No.713/2 of Somarajupalli village of Singarayakonda Mandal in the year 1994 @ 0.02 ½ cents each. The said land was resumed in favour of the Government in the year 1995 for violation of conditions of grant and handed over the site to the Principal, A.P.S.W.R. School for girls Singarayakonda on 24.07.1995. Aggrieved by these orders, Sri Konda Lalitha approached different forums and also filed a writ petition before this Court in W.P.No.19536 of 1997 and an order came to be passed by this Court on 13.12.2003 directing the respondents to consider the case of all the 82 persons who were granted house site pattas in 1994 and necessary action shall be taken to provide house site pattas to all the eligible persons and also directed passing individual orders giving reasons as to how such persons are not eligible, if they are not eligible and also directed to complete the exercise within a period of 3 months from the date of receipt of a copy of the order. A contempt case was also filed in CC No.934 of 2004 in W.P.No.19536 of 1997 for not implementing the order of this Court. Then house site pattas were issued to 9 eligible persons in Sy.No.667/3 of Somarajupalli in 2004 and 2005, but the physical possession of the land was not delivered to them. It is further stated that assignment patta was granted to Smt.T.Bangaramma, aunt of the petitioners regarding Sy.No.667/3 to an extent of Ac.2.83 cents. It is further stated that W.P.No.23871 of 2004 was filed challenging the grant of house site pattas in Sy.No.667/3. Initially status quo was ordered which was later vacated vide order, dated 08.06.2009. Thereafter, W.P.No.27012 of 2005 was filed and this Court directed the authorities to demarcate and deliver

the land to an extent of Ac.0.02 ½ cents in favour of each of the petitioners within a period of 8 weeks from the date of receipt of a copy of the order. In pursuance of the order of this Court, the Tahsildar, Singarayakonda, visited the disputed site on 18.07.2018 and explained the petitioner about the order of this Court only and never threatened them nor tried to dispossess them. It is further stated that steps are being taken to allot alternative sites to eligible persons as per the order, dated 21.03.2018 in W.P.No.27012 of 2005.

5. Having regard to the statement made, the writ petition is disposed of directing the 3rd respondent not to dispossess the petitioners from their respective lands without following the due process of law or till suitable alternative land is allotted to them pursuant to the order, dated 21.03.2018 in W.P.No.27012 of 2005.. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

DATED: 17-08-2018.
Hsd

C.PRAVEEN KUMAR, J