

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.37462 OF 2017

ORDER:

It is case of the petitioner that the husband of the petitioner purchased an extent of Acs.3.00 guntas of agricultural land situated in Survey No.333/8 of Mittapally Gram Panchayat, Siddipet Urban Mandal, Siddipet District, from its vendor, G.Raghuram, vide registered sale deed dated 02.07.2005. The vendor purchased the same from Smt.Shobha though registered sale deed dated 10.07.2003. The assignment was made in favour of the husband of the vendor under an ex-servicemen quota and the extent of land was Acs.5.00 guntas situated in Survey No.333. After the death of the husband of the petitioner herein, the land was mutated in the name of the petitioner and pttadar pass books and title deeds were issued to her. While so, she submitted an application for conversion of the said land for non-agricultural purposes, and when the same was rejected by proceedings dated 08.05.2017 by the second respondent, the present writ petition is filed.

She states that she obtained information under the Right to Information Act and she came to know that the land was originally assigned in favour of her vendor's vendor's husband under ex-servicemen quota as it could be seen from the proceedings of the then Tahsildar, dated 12.12.1974. The land of an extent of Acs.10.00 guntas situated in Survey No.333 was assigned in favour of two ex-servicemen, including the husband of the petitioner's vendor's vendor. A copy of the said proceedings dated 12.12.1974 was submitted to the Revenue Divisional Officer, Siddipet and also to the

Collector (LR&S), Medak at Sangareddy, for issuance of supplementary sethwar.

Now a counter affidavit by the third respondent stating that the proceedings dated 12.12.1974, which was alleged to have been issued by the then Tahsildar, Siddipet, are not found in records and hence, it does not appear to be genuine. He states that in the absence of any evidence, the assignment should be treated as assignment under G.O.Ms.No.1406, but not under ex-servicemen quota, and hence, the property cannot be alienated. Thus, the entire burden was thrown on the petitioner, who is not the custodian of the records.

As could be seen from the above facts, after purchase of the property by the husband of the petitioner and after his demise, in the year 2009, the revenue records were mutated in the name of the petitioner and pattadar pass books and title deeds were issued to her. She continued to be in possession for the last eight years. Prior to that, the land was in possession of one G.Raghuram, who purchased under a registered sale deed dated 10.07.2003. The said G.Raghuram sold the land in favour of the husband of the petitioner under registered sale deed dated 02.07.2005. Thus, at least for the last fourteen years, the land was in possession of the petitioner and her predecessor-in-title. When the proceedings dated 12.12.1974 were marked to the second respondent and to the District Collector, the second respondent should have verified the record available in his office and also called for the Register of Assignments before rejecting the request of the petitioner for conversion of the land for non-agricultural purposes. Those efforts were not made by the

second respondent. The petitioner is forced to approach this Court due to negligence of the respondents 2 and 3.

In the circumstances, this Court is inclined to allow the writ petition by setting aside the endorsement dated 08.05.2017 and directs the second respondent to go through the record carefully and if necessary, call for the Assignment Register and pass appropriate orders on the application of the petitioner seeking conversion of land for non-agricultural purposes. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions pending, if any, in the writ petition, shall stand closed. There shall be no order as to costs.

01.02.2018
pln

A.RAMALINGESWARA RAO, J

