

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40477 OF 2018

O R D E R :

This writ petition is filed challenging the action of the respondents and their subordinates in interfering with the peaceful possession and enjoyment of various extents of lands of the petitioners in Sy.Nos.87/1, Bhimunicheruvu Village, Narayanavanam Mandal, Chittoor District.

Learned Assistant Government Pleader for Revenue produced written instructions stating that Bheemunicheruvu Village of Narayanavanam Mandal is Estate Village under Karveti Nagaram Samsthanam; that after Estate Abolition Act, 1948, the aforesaid village has become Rytwari Village and the Settlement Officer, Nellore has enquired and issued Settlement Pattas to all eligible landed owners. It is also stated that the fair Adangal of Bheemunicheruvu Village which is mother record of the lands shows the land in Sy.No.87/1 an extent of 1.80 acres of Bheemunicheruvu Village is originally classified as Government Poramboke land. It is further stated that on physical verification, an extent of land nearly 0.70 acres of land in Sy.No.87/1 was under occupation of Dharmarajulu Gudi, in which during festival season the temple authorities are using for cultural programmes, temporary shelters for deities and keeping for temple ritual items and remaining land was kept vacant; and

that the land in Sy.No.87/1 to an extent of 1.80 cents is very adjacent to the main road of Narayanavanam of Keelagram Road and also nearer to bus stop of Narayanavanam village and centrally located; and that business shops, residential houses, rice and ground nut mills and one Lord Dharmarajulu temple are existing in and around to the above said land. Further it is submitted that after formation of Mandals, Narayanavanam Village has been kept as Mandal head quarter and running administration, as such, Narayanavanam village has rapidly growing and become town with a population of 15000 to 20000 and surrounding villages i.e. Bheemunicheruvu, Erakambattu, Kalyanapuram, Keelagaram villages have merged as a part and parcel of the Narayanavanam Town. Further Narayanavanam village is a historical place and also place of Lord Shri Shri Kalyana Venkateswara Swamy who is said to be married Sri Padmavathamma Ammavaru.

It is further stated that the instant writ petitioners have said to be purchased the subject land under house site pattas in square yards duly showing plot numbers, but the sale transactions were took place between two private parties, hence, the Government is not party and responsible with the above transactions. Further, the Government has never plotted the above said land and even if the private person laid plots i.e. lay out, the Grama Panchayat/Municipality

concerned have to approve lay out. But, in the instant case, the petitioners have got registered the subject land vide plot numbers illegally to get unlawful gain and grab the government land. It is further stated that the subject land was kept vacant and covered with jungle bushes and the petitioners have never into the land at any point of time. Further it is stated that as per the orders of the then District Collector, Chittoor vide D.Dis.No.2322/1967, dated 04.07.1967, and Taluq No.5446/1987 the above said land was entered in POB Register of Narayanavanam Mandal for further assignment. Therefore, the Government has not alienated or transferred his rights in respect of subject land to anybody so far.

On the other hand learned Counsel for the petitioners submits that petitioners' vendor purchased the subject property by virtue of registered sale deed and they are in possession of the same.

The fact of purchase of subject land by petitioners' vendor through registered sale deed is not disputed. But, however, the respondents claim that the subject land is Government land and registered as Government land in revenue records.

In view of the aforesaid facts and circumstances, the writ petition is disposed of directing the respondents not to

evict the petitioners without following due process of law as they are in possession. No order as to costs.

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

A.RAJASHEKER REDDY, J

12.11.2018
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