

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.45766 of 2018

ORDER:

The case of the petitioners is that they jointly purchased the land to an extent of Ac.2-00 cents in S.No.1124 of Basinikonda Village in Madanapalle Mandal from one Smt.N.Vijaya Bharathi W/o.N.Bhaskara Reddy, registered General Power of Attorney of Smt.K.Rama Lakshamma W/o.Late K.Narasimha Reddy through registered sale deed in Doc.No.3266/2013, 3265/2013, 5289/2013 dated 18-04-2013 and 18-07-2013 and also through other registered documents. Since the date of purchase, the petitioners are in possession of subject property. The executants of G.P.A. of the vendors of the petitioner Smt.K.Rama Lakshamma is widow of a freedom fighter. The Government has granted assignment to an extent of Ac.2-00 cents in Sy.No.1124 and to an extent of Ac.1-00 cents in S.No.682/B1 of Basinikonda Village in Madanapalle Mandal vide A.M.No.12/4/1400 dated 20-09-1990 under freedom fighters quota vide Board Standing Orders Para II (3) (ii) (a) read with G.O.Ms.No.2453, dated 10-11-1955. It is also stated that the above land was earlier granted assignment in favour of one P.Gurappa vide A.M.No.962/4/1377 and in A.M.No.951/4/1390 dated 25-10-1980 and as the Lrs of the assignee have violated the provisions of Section 3 of the Act 9/1977 and alienated the above land in favour of one N.Pedda Reddappa through a registered sale deed in the year 1989 for a consideration, the

impugned grant ordered over the above land was cancelled and land was resumed to the Government by the then Tahsildar, Madanapalle in Proc.No.R.Dis.No.1507/90, dated 05-09-1990. After due cancellation and subsequent resumption to the Government, subject land was granted assignment in favour of Smt.K.Ramalakshamma, widow of freedom fighter in A.M.No.12/4/1400, dated 20-09-1990 under freedom fighter quota. Aggrieved by the impugned cancellation and subsequent assignment, one Gopi S/o.Gurappa, son of the earlier assignee has preferred an appeal petition before the 3rd respondent and the 3rd respondent passed orders in Procs.No.D.Dis.No.5840/990, dated 05-09-1990 duly cancelling the assignment on the premise that the same is required for Government for future needs. On that, Smt.K.Ramalakshamma has preferred a revision petition before the Joint Collector, Chittoor and the revision authority has dismissed the appeal in Proc.No.D.Dis.(B3)8596/98, dated 03-01-1999. The assignee Smt.K.Ramalakshamma has preferred a further revision before the C.C.L.A. A.P., Hyderabad and the revision authority while setting aside the orders passed by the lower Court by duly observing that the impugned grant was ordered under freedom fighters quota, has remanded the case to the lower Court for denovo enquiry in Proc.No.BCW2/142/99, dated 28-08-2000. The 2nd respondent has disallowed the revision in Proc.No.E3/13435/2000, dated 20-05-2003. The assignee aggrieved by the same, preferred further revision before the

C.C.L.A. A.P. Hyderabad and the second revision authority has again remanded the case for denovo enquiry and to review the matter once again. The 2nd respondent has again passed orders cancelling the impugned assignment holding that the assignee has violated the conditions of assignment and disallowed the claim of the petitioner in Proc.D.Dis.E5/4608/2004, dated 01-09-2008. The original assignee Smt.K.Ramalakshamma aggrieved against the same, filed WP.No.1375 of 2010 before this Court and said writ petition was allowed on 03-02-2010 and directed the writ petitioner shall remain in possession of the land and directed the respondents 2 and 4 (the Joint Collector, Chittoor and Tahsildar, Madanapalli, Chittoor District) shall not interfere with the possession and enjoyment of the petitioner over the land in any manner. In spite of the same, the subject land is included in the list of prohibited properties under Section 22-A(1) of the Registration Act. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

In this case, assertion of the petitioner is that subject land was allotted to a freedom fighter and the proceedings regarding cancellation of patta issued in favour of the petitioner are set aside and succeeded in the matter. The Government issued G.O.Ms.No.1045 Revenue (Asn.I) Department, dated 15-12-2004 stating that freedom fighters are free to sell their assigned land and house sites after a

period of ten years. The petitioner purchased the subject land in the year 2013, which is after expiry of ten years.

In view of the above facts and circumstances, respondents are directed to consider the case of the petitioner for deletion of subject land from the list of prohibited properties in terms of G.O.Ms.No.1045, dated 15-12-2004 and take action accordingly, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

31-12-2018
Nvl

A.RAJASHEKER REDDY,J



