

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 43023 of 2017

ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for Respondents 1, 4 to 8 and learned Government Pleader for Social Welfare for Respondents 2 and 3.

2. Petitioners claim to belong to Scheduled Tribes (Koya community). According to petitioners, huge extents of land was declared as ceiling surplus land and vested with the Government and from out of such ceiling surplus land, petitioners are in occupation of Ac.76.50 guntas covered by Sy.No.40 of Annadaivam revenue village, Annapureddypalli mandal, Bhadradri-Kothagudem district, which comes under agency area, for more than 20 years. The details of respective possession and enjoyment of petitioners is tabulated in paragraph 3 of the affidavit filed in support of writ petition and also in the representation submitted to various authorities.

3. Learned counsel for petitioners also placed reliance on the report of Surveyor dated 26.10.2018 addressed to 8th respondent-Tahsildar stating that petitioners are in possession and enjoyment of various extents of lands by raising crops in the extent of land claimed by them. According to learned counsel, in order to grant assignment pattas in favour of petitioners in respect of land held by them for several years, petitioners made a representation on 17.8.2017 to the Principal Secretary, Revenue Department, Principal Secretary, Tribal Welfare Department, Commissioner of Tribal Welfare, Commissioner of Land Administration, District Collector, Kothagudem, Revenue Divisional Officer, Additional Revenue Divisional Officer (Land Reforms) and

Tahsildar, Annapureddypally mandal, Kothagudem district. Alleging inaction on the said representation, the present writ petition is filed.

4. Learned counsel for petitioners submits that it is suffice to direct the respondents to consider the said representation of petitioners objectively and take a decision within a fixed time frame. Learned Government Pleader also expresses no objection for consideration of representation. However, learned Government Pleader submits that the Project Director, ITDA, Bhadradri-Kothagudem district is the competent authority to consider the issue in consultation with the revenue authorities. It is seen from the record, the Project Director, ITDA is not made as party to the writ petition.

5. Therefore, the writ petition is disposed of, directing the petitioners to submit a copy of representation dated 17.8.2017 enclosing copy of this order to the Project Director, ITDA, Bhadradri-Kothagudem district, requesting to look into the grievance of petitioners and resolve the issue, if necessary, by consulting the revenue authorities. On receiving the same, the Project Director, ITDA shall take a decision within a period of six weeks from the date of submission of representation dated 17.8.2017 along with order of this Court and communicate the decision to the petitioners. If the petitioners are in possession of subject property as evidenced from the report of the Surveyor, the petitioners shall not be disturbed from their possession without following due process of law until a decision is taken by the Project Director. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 20.11.2019
DA