

**IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD**

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THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WP No. 26343 of 1996

Between :

Parimi Papa Rao and four others .. Petitioners

And

Mandal Revenue Officer,
A.S.Peta, Nellore District .. Respondents

Dated : 22nd August 2007

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JUDGMENT :

This writ petition has been instituted questioning the orders passed by the Mandal Revenue Officer, A.S.Peta, Nellore District on 16.9.1997 through which the land assigned in favour of the writ petitioners was sought to be cancelled and resumed. It is not in dispute that the writ petitioners have been assigned small bits of land ranging upto five acres each. Some of the residents of Kakarlapadu village appear to have lodged complaint against the petitioners with the Mandal Revenue Officer that they are not cultivating the lands on their own and that they have inducted into possession third parties who are cultivating the same. The grant is conditional. In that the grantee is not liable to alienate the land in question even by way of lease. Therefore, the Mandal Revenue Officer had proposed to cancel

the pattas granted in favour of the writ petitioners and instead had preferred to tag on the land assigned in favour of the petitioners to a Cooperative Joint Farming Society established in the village. If the writ petitioners are not personally cultivating the lands in question, for which purpose they were assigned these lands, the proposed action of the Mandal Revenue Officer to add on these lands also to the Cooperative Joint Farming Society is a welcome measure. But, on the other hand, if the writ petitioners are personally cultivating the lands and they are only seeking some help or assistance from third parties in the matter of carrying on cultivation, it shall not be construed as an act of alienation on their part. Therefore, the entire question centers around the issue to be determined as to whether the writ petitioners are personally cultivating the lands and they are continuing in occupation and possession of the lands in question or have they alienated the same including by way of lease in favour of third parties. Such a question perhaps can be determined only by undertaking an inspection to the village in question. I therefore direct the writ petitioners to file a detailed explanation enclosing the material thereto through which they can establish their possession and personal cultivation of the lands in question before the Mandal Revenue Officer. The writ petitioners may do so within a period of 30 days from today. However, the Mandal Revenue Officer, A.S.Pet Mandal, Nellore District may get the lands in question inspected either himself or through any of his subordinate agencies and ascertain factually as to whether the writ petitioners are cultivating the lands in question themselves and whether or not writ petitioners are in possession of the

lands in question or not and whether or not the writ petitioners have inducted into possession third parties by entering into a lease arrangement with them or not. Based upon the findings at the said enquiry, the necessary decision as to whether the assignment in favour of the writ petitioners needs to be cancelled or not can be taken and in the event the lands assigned to the writ petitioners have to be cancelled, the Mandal Revenue Officer will also have the issue examined as to whether the same should be tagged on to the Cooperative Joint Farming Society in the village or it should be assigned in favour of any other most suitable and eligible beneficiaries belonging to the schedule cases, schedule tribes, economically backward classes and residents of the said village. This exercise shall be completed within a further period of three months from the time the Mandal Revenue Officer receives any explanation of the writ petitioners. With this the writ petition stands disposed of. No costs.

knk

22.08.2007