

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.Nos.21236 of 2001, 20818 of 2002, 6304 & 25531 of 2003

Dated : 24.04.2015

W.P.No.21236 of 2001

Between:

Boddu Nageswaramma W/o.Nagendrudu,
Hindu, Aged about 59 yrs, R/o.Chorampudi village,
Bantumilli Mandal, Krishna District & others

.. Petitioners

And

Mandal Revenue Officer,
Bantumilli Mandal,
Krishna District & others

.. Respondents

W.P.No.20818 of 2002

Between:

Ramuri Guruvulu S/o.Buchibabu,
Aged about 35 yrs, R/o.Mulaupaaragudem,
Kalidindi, Krishna District & others

.. Petitioners

And

Government of Andhra Pradesh,
Rep., by its Secretary, Revenue Department,
Secretariat, Hyderabad & others

.. Respondents

W.P.No.25531 of 2003

Between:

Basavani Bhogeswara Rao S/o.Suryanarayana,
Aged about 49 yrs, R/o.Mallampudi, Chorampudi Hamlet,
Bantumilli Mandal, Krishna District.

.. Petitioner

And

Government of Andhra Pradesh,
Rep., by its Secretary, Revenue Department,
Secretariat, Hyderabad & others

.. Respondents

W.P.No.6304 of 2003

Between:

Mantri Sambaiah S/o.Kotaiah (died per L.Rs)
Aged about 70 yrs, R/o.Mantrivari Veedhi, Sangadigunta,
Guntur District & others

.. Petitioners

And

Government of Andhra Pradesh,
Rep., by its Secretary, Revenue Department,
Secretariat, Hyderabad & others

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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**W.P.Nos.21236 of 2001, 20818 of 2002, 25531 of 2003 &
6304 of 2003**

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COMMON ORDER :

The litigation has chequered history. The avowed object of State to provide land to landless poor so that they can cultivate the land, stand on their own and eke out a living is ploughed by long drawn litigation by rival claimants and insincere State machinery. The litigation dates back to 1975 and has so far completed four decades. At least one generation has lost the opportunity to become self sufficient and eke out a living. For many land less poor it is still a mirage. To a great extent State machinery has contributed to all the evils noticed in the judgment.

2. In all these writ petitions the subject matter relates to assignment of land in R.S.No.429 of Chorampudi Village to landless poor. There are rival claims for such assignment. Ramuri Guruvulu and others are on one side and Basvani Bogeswara Rao and others are on the other side. Basvani Bogeswara Rao is the petitioner in W.P.No.25531 of 2003 and Ramuri Guruvulu and others are petitioners in W.P.No.20818 of 2002. Splinter groups of Ramuri Guruvulu are petitioners in W.P.No.6304 of 2003 and W.P No. 21236 of 2001. Having regard to the nature of controversy involved in these writ petitions, they are disposed of by this Common order.

3. Heard learned counsel for the petitioners and respondents respectively and learned Assistant Government Pleader for Revenue (Assignment), State of Andhra Pradesh.

4. In the year 1975, landless poor Harijans belonging to Mula Upparagudem, Munipeda and Chorampudi villages have formed five Co-operative Collective Farming Societies. These Societies have submitted applications on 21.03.1975 for assignment of land to an extent of Ac.114.13 in R.S.No.429 of Chorampudi Village and Ac.400.00 in Survey No.1 of Munipeda village. The Societies represented to assign lands to the Societies or to individual farmers. Government passed orders in G.O.Ms.No.3258 dated 24.07.1980, directing the District Collector, Krishna District, to take necessary steps for assignment of land to individual members of the Societies.

Accordingly, on 12.07.1983, orders were passed assigning Ac.85.65 in R.S.No.429 of Chorampudi village in favour of 35 members [for convenience sake hereinafter referred to as Ramuri Guruvulu and others].

5. While so, on 01.09.1991, Government issued memo No.62627 staying the operation of G.O.Ms.No.3258. The stay was granted based on the complaint filed by Member of the Legislative Assembly (MLA) of Malleswaram Constituency, who later became Deputy Chief Minister in the combined State of Andhra Pradesh. The MLA complained that ineligible persons and persons who were not residents of Chorampudi village were assigned lands. There was also allegation of violation of assignment conditions. Aggrieved thereby M Ramulu and 80 others, members of Mullaparagudem CCFS filed W.P.No.11272 of 1991. On 02.09.1991, this Court passed interim orders not to dispossess petitioners. The rival claimants [for convenience sake hereinafter referred to as Basavani Bogeswara Rao and others] were arrayed as respondents in the said writ petition. By orders dated 08.09.1992, this Court directed the Mandal Revenue Officer, Bantumilli to issue notices to all assignees on the allegation of violation of conditions of assignment and to pass appropriate orders. Aggrieved by the orders dated 08.09.1992 of learned Single Judge, some of the writ petitioners filed W.A.No.1149 of 1992. By the time W.A., came for further consideration, Division Bench was appraised that Mandal Revenue Officer passed orders cancelling the pattas granted in favour of petitioners in W.P.No.11272 of 1991. On 12.10.1992 W.A.No.1149 of 1992 and W.P.No.11272 of 1991 were disposed of taking note of the fact that matter was seized by Government. The Division Bench observed that the order of Mandal Revenue Officer should be subject to final orders of Government and further directed to maintain status quo till a final decision is taken by Government.

6. Apprehending dispossession, 35 assignees filed W.P.No.6164 of 1993. Writ petition was disposed of on 06.11.1995 with direction to dispose of the issue of assignment within three months, with a further direction to retain possession by persons, who are in physical possession.

7. On 02.09.1996 the Government issued orders in G.O.Ms.No.731, Revenue (Assignment-II), Department cancelling assignment earlier granted. Aggrieved thereby, 23 assignees filed W.P.Nos. 14822 of 1996. Four Societies filed W.P.No.19799 of 1996. W.P.No.4384 of 1995 filed against

Government memo dated 01.08.1991 and consequential Memo dated 26.07.1993 is also clubbed. By the judgment dated 11.02.1998, the G.O. was set aside and direction was issued to hold enquiry after giving notices to all persons concerned and further direction was issued to maintain status quo as obtaining on that day.

8. Apprehending dispossession, some of the assignees filed W.P.No.18476 of 1999. On 20.08.1999, Government issued orders in G.O.Ms.No.646 holding that Bogeswara Rao and others of Mallampudi (H), Chorampudi Village are not eligible for assignment and directed to evict the illegal encroachers by following due procedure as contemplated under the Andhra Pradesh Land Encroachment Act, 1905. Aggrieved thereby Bogeswara Rao and others and splinter group of Ramuri Guruvulu and others filed W.P.Nos.18476, 19913, and 20989 of 1999. Petitioners in W.P.No 20818 of 2002 are petitioners in W.P.No 18476 of 1999. By judgment dated 11.07.2001 the said writ petitions were dismissed and G.O.Ms.No.646 was upheld. Aggrieved thereby, petitioners in W.P.No.18476 of 1999 filed W.A.No.1955 of 2001. When the matter came up for consideration by the Division Bench, learned Government pleader represented that the Government would consider the representations of both the claimants for assignment, according to the report of the Collector. Considering the same Writ Appeal was disposed of by order dated 22.02.2002. This Court also directed to furnish the report of the Collector to the appellants.

9. After the disposal of the writ appeal, the Government passed orders in G.O.Ms.No.441 according permission to the District Collector, Krishna District, to grant pattas to Bogeswara Rao and others to an extent of Ac.64.00 in R.S.No.429 of Chorampudi Village. Consequential proceedings were issued by the District Collector on 23.08.2002 directing the Mandal Revenue Officer to issue pattas to Bogeswara Rao and others. Aggrieved thereby earlier assignees filed W.P.Nos.20818 of 2002 and 6304 of 2003. By order dated 23.10.2002 this Court granted stay of operation of G.O.Ms.No.441.

10. Based on the direction issued by the Division Bench of this Court, Guruvulu and others submitted representation to the Government bringing to the notice of the Government the orders passed by this Court and Government was also informed that the orders in G.O.Ms.No.441 were contrary to the directions issued by this Court. By memo dated 17.07.2003 the Government

forwarded representations of Guruvulu and others as well as Bogeswara Rao and others dated 06.08.2002 and 05.04.2003 respectively to the District Collector, Krishna, with a request to take necessary action. Challenging the said memo Bogeswara Rao filed W.P.No.25531 of 2003.

11. Petitioners in W.P.No.s 21236 & 6304 of 2003 claim that though pattas on land in R.S.No.429 of Chorampudi village were granted to petitioners in the year 1999, so far possession is not given to them and petitioners are not able to enjoy the fruits of such assignment.

12. Learned counsel for petitioners in W.P.No. 6304 of 2003 submit that the subsequent orders of the Government in G.O.Ms.No.441 were contrary to the declaration given by this Court in Writ petitions, wherein G.O.Ms.No.646 was challenged. Furthermore, the order of the Government in G.O. Ms. No. 441 is also contrary to the directions issued in W.A.No.1955 of 2001 and batch. Learned counsel further contends that G.O.Ms.No.3258 concerns 35 persons. Subsequent cancellation was concerning only 26 persons and the order passed in favour of 9 persons was not cancelled. Therefore, the order of the Government and consequential pattas granted are still valid. Whereas, order in G.O.Ms.No.441 seeks to allot the very same land to other set of persons and therefore, the order in G.O.Ms.No.441 to that extent is unsustainable. From out of 9 such persons, 5 are petitioners in W.P.No.6304 of 2003.

13. Learned counsels for petitioners in W.P.No.20818 of 2002 and 6304 of 2003 further contend that all the earlier reports of the District Administration were in favour of the petitioners. The reports indicate that the petitioners were in possession; are the natives of the village in which the land is situated and sought for assignment. Everything has changed only after the representation was submitted by the local MLA. At his instance the Government granted stay and at his instance, the District Administration changed its version. The earlier report of the District Administration as well as the letter dated 01.03.1984 addressed to this Court, supports the possession and enjoyment of the petitioners. No justification is shown in the subsequent report as to why the petitioners are not entitled to the assignment of land. Earlier it has been the categorical stand of the respondent-authorities that Basavani Bogeswara Rao and others are not the residents of the village and are not in possession and enjoyment of the said land. In the report of the District Collector dated 15.05.2001, first time a different stand is expressed and it is said that Bogeswara Rao and others are also residents of the village. No

material is placed in support of the said view. Further, even this report is silent on the possession aspect. Thus, without examining various orders passed by this Court, the earlier reports and the stand of the respondent authorities, the Government acted under pressure exerted by the local MLA, who was siding Basavani Bogeswara Rao and others and passed orders in G.O.Ms.No.441 giving patta to them depriving the same to the petitioners.

14. Learned counsels contend that there was no basis for such a complaint made by the local MLA and without verifying the true facts, the Government acted upon the complaint. It is, therefore, submitted that the decision of the Government in issuing orders in G.O.Ms.No.441 is vitiated on account of personal prejudices and preferences and amounts to *mala fide* exercise of power. The orders are also vitiated on the ground that no authority can take a decision on outside pressure and political interference.

15. Learned counsels further contend that while issuing orders in G.O.Ms.No.441, there was no reference to the letter of the District Collector dated 25.02.1993. This letter of the District Collector is in the form of fresh proposal even though there was no such request made by the Government. No reasons are assigned as to why such proposals were submitted. Obviously, said proposals were submitted at the instance of local MLA. Learned counsels contend that the same officer cannot give different reports at different points of time. The show cause notice and G.O.Ms.No.441 were based on the report of the District Collector. The said report was contrary to the orders passed by the Division Bench of this Court. While preparing such a report no opportunity of hearing was accorded to the petitioners. In fact at no point of time neither the District Administration nor the State has issued notices and accorded opportunity to the petitioners to put forth their claim before taking such extreme decision adversely affecting the accrued rights of the petitioners.

16. In support of their contentions, learned counsel placed reliance on the following decisions:

INTEZAMI COMMITTEE MAJID-E-OSMANIA Vs. A.P. STATE WAKF BOARD^[1], Smt S.R.VENKATARAMAN Vs UNION OF INDIA AND ANOTHER^[2], STATE OF U.P Vs MAHARAJA DHARMENDRA PRASAD SINGH^[3], ANIRUDHSINHJI KARANSINHJI Vs.STATE OF GUJARAT^[4], NATURAL RESOURCES ALLOCATION, IN RE, SPECIAL REFERENCE

NO.1 OF 2012^[5], TRILOCHAN DEV SHARMA Vs STATE OF PUNJAB AND OTHERS^[6]

17. Learned counsel Sri P.R.Prasad for the petitioners in W.P. No. 21236 of 2001 contends that when once pattas are granted to the land less poor, which pattas are still valid, it is illegal in not handing over the possession of the land and such action amounts to arbitrary exercise of power and authority. Learned counsel further submits that the status of the petitioners as residents of Chorampudi village and their entitlement for assignment of land is never in dispute. Petitioners are no way concerned with the controversy with reference to other persons. The authorities have admitted the factum of ineligibility of others and eligibility of petitioners in the counter-affidavits filed in W.P.Nos.18476/1999 and 7355 of 1999. They have categorically deposed that the land was resumed on 12.10.1992 and the land is under the possession of the Government.

18. Learned counsel further submits that Basavani Bhogeswara Rao instituted O.S.No.174 of 1984 on the file of District Munsif, Bantumilli praying to grant injunction against dispossession and against peaceful possession and enjoyment. The said suit was dismissed. The claim to grant relief was on the ground that he had been in possession and enjoyment of the property for several decades and the land should be assigned to him.

19. Learned counsel for the petitioner in W.P.No.25531 of 2003 contends that since the year 1962, the predecessor of the petitioner and others and subsequently petitioner and others have been in possession and enjoyment of the land in R.S.No.429. The said land was Poramboke and waste land and was not cultivable. The predecessors of the petitioner and others have brought the land into cultivation to an extent of 85 acres and have been cultivating the land by raising coconut garden to some extent and formed tanks to grow fish and prawns. Having regard to their continuous possession and enjoyment, petitioner and others have applied for assignment. Petitioner is a landless poor person and resident of Chorampudi village and his family and families of others are dependent on the said land and that is only the source of their livelihood. Learned counsel further submits that though the petitioner and others are residents of the village and are landless poor, a false report was submitted resulting in issuance of orders in G.O.Ms.No.646 dated 29.08.1999. However, in pursuant to the orders passed by this Court in W.P.No.19913 of 1999, petitioner and others submitted representation to the

Government on 28.08.2001. The representation was considered and Government ordered fresh enquiry into the status of the petitioner and others. On thorough enquiry by the District Collector, it was found that the petitioner and others are residents of Chorampudi village. The report of enquiry is based on various records, such as, electoral rolls, ration cards, etc. Based on the said report, Government issued orders in G.O.Ms.No.441 dated 23.07.2002. Learned counsel therefore submits that there was no illegality or irregularity in Government issuing G.O.Ms.No.441 and when once Government issued orders in G.O.Ms.No.441, there was no further justification to order fresh consideration of the issue as ordered in the impugned memo. This would only create unnecessary complications, more particularly, when rival claimants are highly influenced and they have prevented by all means from assignment of land to the petitioners and others. When once report was already called and resulted in issuing of G.O.Ms.No.441 and when the same is not cancelled, it amounts to arbitrary exercise of power and authority. Learned counsel defends the orders of government in G.O.Ms.No.441.

20. As seen from the record of these writ petitions, in pursuance to directions of this Court in W.P.No.4384 of 1985 and batch dated 11.02.1998 open hearing was held by the Revenue Divisional Officer and all persons concerned were put on notice. In pursuance thereof, he has submitted his report. Based on the said report, the District Collector submitted proposals to the Government vide his letter dated 17.11.1999. Based on the proposals submitted by the District Collector, G.O.Ms.No.646 dated 29.08.1999 was issued. Basavani Bogeswara Rao and others were held not entitled to assignment.

21. Things took a different turn after the intervention of local leader. Contrary to earlier reports, it is now reported that Basavani Bogeswara Rao and others are residents of Chorampudi Village. Earlier reports were found to be not valid. The report refers to electoral rolls and ration cards.

22. As seen from the record, there are three different reports. Originally when the land was assigned to Ramuri Guruvulu and others, they were treated as residents of the village and entitled for assignment. Report dated 06.07.1999 of the Revenue Divisional Officer also supports the said view and further goes to say that Basavani Bogeswara Rao and others are not residents of the village. To find out which report is correctly prepared and to know the truth or nature of exercise undertaken by the District Administration, the original record was called. Even though there has been continuous

correspondence among various authorities up to the Secretariat and litigation pending in the Courts, the District Administration reports that relevant record is not traceable. No reasons are assigned as to why the record is not traceable. Some Xerox copies of documents are circulated. It was stated that on verification of records, some xerox copies were found. It is strange when original records are not traceable, how few copies of original records are found.

23. As seen from the latest reports of the Revenue Divisional Officer, the basis for present declaration in favour of Basavani Bogeswara Rao and others is the entries in the electoral rolls. On perusal of the truncated records produced it would show that a tabulated statement was prepared showing the names of the persons with the serial number in the village electoral rolls. Except this, there is no other material available on record. This statement does not indicate from which year list of electoral rolls, statement was drawn. The issue of eligibility for assignment required consideration as on 24.07.1980, that is the date when decision was taken by the Government to assign land in favour of Ramuri Guruvulu and others and G.O.Ms.No.3258, was issued. It is possible that subsequently the persons have entered their names in the electoral rolls of hamlet of Chorampudi village. Therefore, such subsequent entry cannot be basis to test the validity of the original assignment made vis-a-vis competing claims. Though the report refers to ration cards to disclose the name and nativity of the persons, the record does not contain the copies of ration cards also. Thus, the subsequent report appears to have been prepared at the behest of politicians and in order to please the political bosses the authorities in the District Administration have gone to the extent of holding earlier reports as not valid. It is also appropriate to notice that in addition to the issue of their nativity, when G.O.Ms.No.646 was issued, Basavani Bogeswara Rao and others were also held not eligible for assignment. The latest report was silent on this aspect. However, based on these reports the Government resorted to issue G.O.Ms.No.441, now changing the assignment in favour of Basavani Bogeswara Rao and others group.

24. To appreciate the rival contentions it is appropriate to refer to some of the orders passed by this Court in the long litigation generated over a period of last 40 years:

(i) W.P.No.6164 of 1993 was filed by Ramuri Guruvulu and others alleging that they were sought to be dispossessed. This Court disposed of the

writ petition by order dated 06.11.1995, directing the Government to finalise the proceedings pending on its file pertaining to the dispute in question. It is useful to extract the relevant paras of the said order :

“There is no explanation as to why the Government has not finalised the proceedings pending on its file pertaining to the dispute in question. The learned counsel for the petitioners submitted that an application for impleading was also considered. The facts reveal that both the parties approached several courts and this court on many occasions. The assignment of the land in question, the inaction of the authorities concerned coupled with political intervention at every stage, delayed final proceedings.

Hence, the writ petition is disposed of directing the Government to dispose of the proceedings pertaining to the finalisation for assignment of land in question to the petitioners and others, if any interested after hearing the petitioners and persons who have filed an implead application in this writ petition and to pass appropriate orders in merit within 3 months from the date of this order.”

(ii) W.P.Nos.4384 of 1995, 14822 of 1996 and 19799 of 1996 are filed by the same persons who are claiming assignment. In the said writ petitions the G.O.Ms.No.731 dated 02.09.1996 was under challenge. This Court by common order dated 11.02.1998 quashed the said G.O., and ordered for conducting de-novo enquiry by the Government or their delegate. Relevant portion of the order read as under :

“In this view of the matter, the impugned G.O.Ms.No.731 dated 02.09.1996 proposing to cancel certain assignments made in favour of certain persons is violative of principles of natural justice. The impugned G.O., further state that assignment made in favour of some persons were illegal, either on the basis of assignment rules or on the basis of area of operation. Whatever it may be, the Government should have issued notices to the persons, whose assignment is proposed to be cancelled. In this view of the matter, without expressing any opinion on the merits of the case, I think it would be in the interest of justice and equity to quash the impugned proceedings in G.O.Ms.No.732 dated 02.09.1996, only on the ground of being violative of principles of natural justice and remand it to Respondent No.1.”

(iii) W.P.Nos.18476, 19913 and 20989 of 1999 are filed questioning the orders in G.O.Ms.No.646 dated 20.08.1999. This Court rendered common Judgment on 11.07.2001 upholding G.O.Ms.No.646. The claim for supply of report of the District Administration which was a basis for issuing orders in G.O.Ms.No.646 was rejected and this Court observed that

“At the most it may be open to the petitioners concerned to approach the Government, if they so choose on the basis of the said report for reconsidering the decision.”

(iv) In the above batch of cases in W.P.18476 of 1999, the petitioners belong to Ramuri Guruvulu and others group, whereas petitioners in

W.P.No.19913 of 1999 is filed by the persons belonging to Basavani Bogeswara Rao and others group. The petitioners in W.P.No.18476 of 1999 preferred W.A.No.1955 of 2001. The said appeal was disposed of by order dated 22.02.2002, wherein it was contended that the appellants were not given the report of the Collector and therefore they were not in a position to approach the Government for reconsidering the decision taken earlier.

25. The Division Bench directed the learned Government Pleader for Assignment to supply a copy of the report to the counsels for the appellants to enable the appellants to submit representation to the Government for reconsidering the decision earlier taken and granted four weeks time to make a representation from the date of receipt of the report from the learned Government pleader.

26. The orders extracted above would indicate that there was a need for Government to take a concerted view after considering the rival claims.

27. Even before representation could be submitted by Ramuri Guruvulu and others, Government passed orders in G.O.Ms.No.441 in favour of Basavani Bogeswara Rao and others. This order of the Government is based on the subsequent report of the District Collector which is in turn based on the report of the Mandal Revenue Officer, Revenue Divisional Officer and the Joint Collector. The District Administration has challenged the earlier version on residential status of the claimants. The report of the District Collector now suggests that Basavani Bogeswara Rao and others are residents of hamlet of Chorampudi village. Basing on the said report of the District Collector, the orders were passed in G.O.Ms.No.441 directing the District Collector to assign Ac.64.00 of land in R.S.No.429 of Chorampudi village to Basavani Bogeswara Rao and 28 others. The reports of the various authorities of the District Administration are silent on the nativity of petitioners and their entitlement for assignment.

28. There is shift in the stand of District Administration on the issue of nativity of Basavani Bogeswara Rao and others. At one point of time the stand of the District Administration was that Basavani Bogeswara Rao and others do not belong to Chorampudi Village and that they have large extent of lands in other villages. The issue subsequently considered was with reference to their residential status only and held that they are residents of hamlet of Chorampudi Village. There were three reports on this issue.

29. The first report was of the Revenue Divisional Officer dated 07.11.1998. It is prepared after hearing some of the writ petitioners herein and others, encroachers or the persons interested in the land. About 200 persons have attended the enquiry. As per the information obtained by him, he found that the assignees are not residents of the village.

30. The second report was dated 06.07.1999. The said report was prepared by the Revenue Divisional Officer, Bandar after serving notice on the persons affected and after conducting the enquiry. In the report, the Revenue Divisional Officer stated that Basavani Bogeswara Rao and others are not residents of Chorampudi village. He has also suggested taking steps for evicting Basavani Bogeswara Rao who is in illegal occupation of Government land and is an encroacher. He also stated that he is not eligible for assignment of land. He expressed anguish that the very purpose of issuing G.O. Ms. No. 3258 dated 24.07.1980 is defeated on account of long litigation. He also suggested to grant pattas to eligible encroachers of the lands in issue.

31. The 3rd report is the latest report which now changed the version on residence of Basavani Bogeswara Rao and others. It is also interesting to note that in the latest report reliance is placed on the entries in the village voters list. A tabulated statement of such list was made and is also circulated to the Court. The report refers to ration cards produced in support of their claim that they are the residents of hamlet of Chorampudi village. But neither the original voters list nor the ration cards or any other records claimed to have been considered by the District Administration to hold that the earlier reports were not correct and that Basavani Bogeswara Rao and others are the actual residents of hamlet of Chorampudi village are not available in the official records. There was a specific direction to produce the relevant record and matters were adjourned on several occasions to enable the learned Government pleader to produce the records. However, the learned Assistant Government pleader on the last occasion reported to the Court that relevant records are not available. Therefore, the basis of subsequent report holding that Basavani Bogeswara Rao and others are residents of hamlet of Chorampudi village is not available on record. Therefore, it is not known as to how such a decision was arrived at and how the earlier reports are held to be not valid.

32. Furthermore, in the earlier reports, in addition to stating that Basavani Bogeswara Rao and others are not residents of Chorampudi village,

it was also reported that that they are not eligible for assignment. The present order is silent on their eligibility for assignment. Once their nativity is affirmed straight away orders are passed assigning the land to those persons. The report is silent on eligibility of Ramuri Guruvulu and others.

33. As rightly contended by the learned counsel for the petitioners in W.P.Nos.20818 of 2002 and 6304 of 2003, they were not put on notice before conducting such enquiry. The enquiry was confined, even according to the report of the District Administration, to Basavani Bogeswara Rao and others only. Furthermore, what was required to be considered was that original assignment dates back to 1980 and, therefore, who were the persons residing in Chorampudi village or its hamlet in the year 1980 and entitled for such assignment was required to be considered. As it appears from the 3rd report and the consequential orders of the Government in G.O.Ms.No.441, apparently this was not done. In the orders extracted in the earlier paras, this Court time and again directed that proper enquiry be conducted and comprehensive view be taken before assigning the government land, but that was not done. It is also relevant to notice that even assuming that Basavani Bogeswara Rao and others are natives of Chorampudi or its hamlet, the factum of entitlement of those persons for assignment as well as the eligibility of the other claimants for assignment was not considered in a comprehensive manner. There are government orders, instructions and guidelines regarding assignment of government land and the Board Standing Orders also stipulate the procedure for such assignment. But this procedure was not followed and the people who are claiming entitlement for assignment are divided into two or three groups and in isolation, the claims and rival claims are considered but not the eligibility of individuals.

34. Thus, in the absence of relevant record to support the claim that earlier reports were not validly prepared and Basavani Bogeswara Rao and others are residents of the hamlet of Chorampudi village and that there was no comprehensive exercise as required, the government decision in G.O.Ms.No.441 cannot be sustained. More particularly, the said government order is contrary to the orders passed by this Court, where direction was issued to consider the claims of Ravuri Guruvulu and others before taking a decision. As submitted by the learned counsels representing Ravuri Guruvulu and others, they could not submit their representations immediately, since the report of the District Collector was not made available as directed by the Division Bench of this Court and by the time when they made representations,

the Government took unilateral decision acceding to request of Basavani Bogeswara Rao and others and issued orders in G.O.Ms.No.441. However, having realized that a comprehensive enquiry is required, the Government subsequently issued Memo No.18466/Assn.II-I/2003-1 dated 17.07.2003. By this memo the Government directed the District Collector to refer the representations of Ramuri Guruvulu and 22 others and Basavani Bogeswara Rao and others to the competent authority at Division/Mandal level for taking necessary action. This decision of the Government is just and equitable and is in tune with directions issued by this court. In view of the subsequent decision of the government dated 17.07.2003, it cannot be said that the earlier decision resulting in issuance of G.O.Ms.No.441 would still subsist. The Government was conscious of the orders issued in G.O.Ms.No.441 when this memo was issued.

35. Even otherwise, a comprehensive exercise is necessary in view of the history of litigation and directions issued by this Court. Unfortunately landless poor were denied assignment of lands for the purpose of eking out their living due to insensitive decisions taken by the Government and its subordinate authorities from time to time.

36. In view of the long history of litigation and the rival claims on the issue, I deem it proper to dispose of all the writ petitions with the following directions:

1. G.O.Ms.No.441 Revenue (Assn.II) Department dated 23.07.2002 is set aside.
2. The Government Memo No.18466/Assn.II-I/2003-1 dated 17.07.2003 is held valid.
3. In consequent to the orders of the Government dated 17.07.2003 the District Collector shall hold an enquiry by putting on notice all the land less poor persons belonging to Chorampudi village including Hamlet of Chorampudi village, examine the eligibility of each of them with reference to their nativity and the eligibility for such assignment, identify persons who are eligible for such assignment and take steps for assignment of Government land as available in the village. The parties are entitled to place all the relevant documents in support of their claim and are also entitled to have personal hearing before the District Collector. The District Collector, shall consider all the representations, after according them personal hearing shall submit report to the government.
4. As seen from the controversy in the writ petitions the land less poor are split into groups. But no serious effort was made to determine eligibility of individual person to assign the Government land by observing the

parameters of such assignment. While examining the eligibility and nativity, relevant criteria should be the date when the Government first issued G.O.Ms.No.3258 dated 24.07.1980. It is also necessary to ensure that no false claims are generated regarding nativity and residence during the long drawn litigation. For the purpose of determining the nativity and eligibility the District Collector shall prescribe a particular document which a villager is expected to possess and indicate the same to all claimants. The possession shall not be the criteria for identifying the persons eligible for assignment.

5. Once the persons are identified as eligible for assignment, subject to availability of the land for such assignment, all persons who are eligible for such assignment may be accommodated to the extent possible and if they cannot be accommodated, alternative steps may be taken in accordance with the policy of the Government as in force to ameliorate their suffering. The District Collector report shall deal with these aspects also.
6. Based on the report of the District Collector, the Government shall pass orders assigning the lands to the individuals identified by the District Collector.
7. The petitioners in W.P.Nos.6304 of 2003 and 21236 of 2001 were assigned pattas. Though, pattas were cancelled to some other persons, in so far as petitioners in these two writ petitions are concerned their pattas are not cancelled. In fact so far as petitioners in W.P.No.6304 of 2001 are concerned they were also given possession but subsequently, the said possession was withdrawn. Pending finalisation of the issue, the pattas already granted in favour of the petitioners in the above two writ petitions shall not be cancelled. After the finalisation of eligibility, if the petitioners are also identified as eligible for such assignment, possession shall be granted to them in accordance with the pattas already granted in their favour.
8. With reference to the possession, status quo obtaining as on today shall be maintained till the pattas are granted.
9. In view of the long drawn litigation and issue of assignment hanging fire since 1975, the entire exercise shall be completed within a period of four months from the date of receipt of copy of this order.

37. With the above directions, all the writ petitions are disposed of. There shall be no order as to costs.

Miscellaneous petitions pending if any, in all the writ petitions, shall stand closed.

P.NAVEEN RAO,J

Date: 24.04.2015

Rds/kkm

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.Nos.21236 of 2001, 20818 of 2002, 6304 & 25531 of 2003

Dated : 24.04.2015

[\[1\]](#) 1996 (2) ALD 661

[\[2\]](#) AIR 1979 SC 49 =(1979) 2 SCC 491

[\[3\]](#) AIR 1989 SC 997 =(1989) 2 SCC 505

[\[4\]](#) AIR 1995 SC 2390 = (1995) 5 SCC 302

[\[5\]](#) 2012 (10) SCC 1

[\[6\]](#) 2001(6) SCC 260