

**HONOURABLE SRI JUSTICE S. ASHOK KUMAR**

**WRIT PETITION Nos. 27581 OF 1997 & 22307 OF 2005**

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**WRIT PETITION No. 27581 of 1997:**

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**Between**

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Kotham Rajamma and others ....Petitioners

**And**

The District Collector, RR District and ors

....Respondents

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**WRIT PETITION No. 22307 of 2005:**

-  
**Between**

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Gandjai Yellaiah and ors

....Petitioners

and

The District Collector, RR District and ors

....Respondents.

**THE HONOURABLE SRI JUSTICE S. ASHOK KUMAR**

**WRIT PETITION Nos. 27581 OF 1997 & 22307 OF 2005**

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**COMMON JUDGMENT:**

Inasmuch as the issue involved in these two writ petitions is one and the same, they are heard together and disposed of by this common judgment.

**BRIEF FACTS IN WRIT PETITION No. 27581 OF 1997:**

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This Writ Petition is filed seeking Writ of Mandamus to direct the respondents not to dispossess the petitioners from the land assigned to them admeasuring 3 acres each in Survey No.3 of Annojiguda village, Ghatkesar Mandal, Rangareddy District except in accordance with law and not to assign the said land in favour of third parties.

The petitioners claim to be in possession and enjoyment of the land admeasuring 3 acres each in Survey No.3 of Annojiguda village, Ghatkesar Mandal, Ranga Reddy district. It is their case that the said land was assigned to them in file No. E1/5509/61 by the then Tahsildar under the provisions of Laoni rules and after the original assignees died, i.e. their fathers, they are continuing in possession as successors. It is the grievance of the petitioners that the second respondent without issuing any prior notice or following the procedure in accordance with law, sought to dispossess them from the lands in question on 16-10-1997.

The first respondent-District Collector filed counter affidavit denying the assignment of the land and their physical possession of the land by raising dry crops. It is stated that the land in Sy.No.3, totally admeasuring Ac.81.10 Gts is classified as Gairan Sarkari as per Pahanies up to the year 1962-63, and during the year 1963-64, out of Ac.81.10 gts, an extent of Ac.9.39 guts was assigned to one Sri Syed Mustaf Khadri. It is stated that from the year 1963-64 on wards, the land in Sy.No.3/1, admeasuring Ac.71.11 gts is recorded as Government land and the land in Sy.No.3/2, admeasuring Ac.9.39 gunts is recorded as Lavani Patta on the name of Sri Syed Mustaffa Khadri up to the year 1981-82. It is further stated that right from the year 1962-63 on wards, the petitioners or the so

called assignment patta certificate holder names were not recorded in Revenue record as Lavani Pattadars. It is further stated that during the course of fixing up the boundaries of Government lands, the land bearing Sy.No.3/1 of Annojiguda village has also been taken up and the boundaries for the said land has been fixed, but during the course of fixation of boundaries, petitioners are not in physical possession of the land and further, no person was evicted from the physical possession of the said land.

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**BRIEF FACTS IN WRIT PETITION No. 22307 OF 2005:**  
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This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in not issuing pattas and pattadar pass books to the petitioners for the land admeasuring 3 acres each covered by Sy.No.3/1 of Annojiguda village, Ghatkesar Mandal, Ranga Reddy District as illegal and arbitrary.

It is stated in the affidavit filed in support of the Writ Petition that the petitioners belong to Schedule Castes and Schedule Tribes and landless poor persons, They are cultivating 3 acres of land each in Sy.No.3/1 of Annojiguda village, Ghatsekar Mandal, Ranga Reddy District since the year 1961 pursuant to the proceedings issued by the then Tahsildar, Hyderabad East in file No.E1/5509/61 after paying the prescribed fee. It is further stated that they are also paying cisth(tax) for the said land every year and some of the receipts are filed in the material papers annexed to this Writ Petition. It is their grievance that though they submitted several representations and even original certificates issued to them under Laoni Rules before the Mandal Revenue Officer-second respondent for issuance of pattadar pass books, but no action has been taken.

In this Writ Petition also, the second respondent-Mandal Revenue Officer filed counter affidavit in the same lines as stated in the counter affidavit filed in Writ Petition No. 27581 of 1997. In the Counter, the second respondent specifically denied the assignment of the land vide proceedings No.E1/5509/61 of the then Tahsildar.

This Court while admitting both the Writ Petitions, by orders dated 23-10-1997 in WPMP. No. 32096 of 1997 in Writ Ptition No. 27581 of 1997 and dated 14-10-2005 in WPMP.No. 28586 of 2006 in Writ petition No. 22307 of 2005 in directed the respondents not to interfere with the peaceful possession and enjoyment of the lands by the petitioners. The said orders are in force as on today.

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**CONTENTIONS, OBSERVATIONS & CONCLUSIONS IN BOTH WRIT PETITIONS:**  
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The petitioners in both the Writ Petitions have filed assignment orders showing assignment of the land in question in their favour, but it was contended by the learned Government Pleader for the respondents that the same are bogus. The Writ petitioners have also filed receipts showing payment of revenue tax for the lands in question from 1970 onwards and copies of pahanies for some years. It is contended by the petitioners that the Government has not followed the guidelines and they have not issued prior notice to the petitioners. The learned Counsel appearing for the petitioners relied on the judgment of the Division Bench of this Court in *Letter taken up Writ Petition Vs. Collector & District Magistrate* {2008(5) AL 313 (DB)}, wherein guidelines have been framed by the Division Bench while dealing with the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers ) Act 1977, which reads as follows:

“ Whenever any proceedings are to be initiated by the revenue authorities for resumption of the land, they have to specify

- (a) the nature of occupancy rights granted, namely, whether occupancy rights were granted on collection of market value or free of market value in favour of the landless poor persons;
- (b) Whether the said land falls within the notified area restricting inalienability as per the notification issued under Section 58-A of the Telangana Area Land Revenue Act.
- (c) Whether Act No.9 of 1977 applies to the nature of occupancy right/assignment granted;
- (d) If any changes in the revenue records are effected, reasons for change from the original entries in khasra pahani of 1954-55 or subsequent to the same;

in the notice to be issued for enabling them to make an effective explanation to meet the contentions and submit their explanation to the action proposed. Unless such particulars are furnished for submitting an effective explanation, lands cannot be resumed merely basing upon the revenue entries so made.”

The learned Government Pleader appearing for the respondents in both the Writ Petitions undertakes to continue the petitioners in possession of the land in question till the revenue authorities take appropriate decision on the representations filed by the petitioners within a time frame.

In view of the judgment of the Division Bench of this Court ( supra) and having regard to the facts and circumstances of the case, these Writ Petitions are disposed of directing the respondents not to dispossess the petitioners from the lands in question till the competent revenue authority takes decision on the representations filed by the petitioners regarding assignment of the lands to them. The competent revenue authority shall take appropriate decision in the matter in accordance with law within a period of three months from the date of receipt of a copy of this order and duly intimate the same to the petitioners.

The Writ Petitions are accordingly disposed of. No order as to costs.

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*JUSTICE S. ASHOK KUMAR*

*Date: -----NOVEMBER, 2008.*  
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