(2001) 07 AP CK 0045

Andhra Pradesh High Court

Case No: Writ Petition No. 25268 of 2000

C. Jayalakshmi		APPELLANT
	Vs	
Joint Collector and Others		RESPONDENT

Date of Decision: July 9, 2001

Citation: (2001) 4 ALT 404

Hon'ble Judges: B. Sudershan Reddy, J

Bench: Single Bench

Advocate: M. Dorai Raj, for the Appellant; G.P. for Revenue and G.P. for Assignments for Respondent Nos. 1 to 3 and K.S. Gopala Krishnan, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

B. Sudershan Reddy, J.
The petitioner in the instant writ petition challenges the proceedings of the Joint Collector, Chittoor dated 2-9-2000 whereunder the revision preferred by the petitioner against the orders of the Revenue Divisional Officer has been dismissed. The petitioner impugns the legality and propriety of the said order.

2. The petitioner claims to be a houseless poor person. It is her case that she applied for and obtained patta of a house site in plot No. 19 situated in Sy. No. 12 in the village accounts of Akkarampalli in Chandragiri Taluk and she is in possession of the same since 7-8-1985. The petitioner claims to have constructed the house in the said plot. The fourth respondent who is no other than the mother of the petitioner also applied for and obtained patta of a house site in the same survey number. The petitioner filed a suit for perpetual injunction against the fourth respondent in O.S.No. 322 of 1990 on the file of the 1st Additional District Munsif, Tirupathi in respect of house site that was allotted to the fourth respondent. The fourth respondent filed O.S.No. 316 of 1990 for the very same relief. Both the suits were tried together. The learned District Munsif decreed the suit filed by the

fourth respondent and accordingly dismissed the suit preferred by the petitioner. The petitioner preferred A.S.No. 2 of 1994 and the same was also dismissed. Against which the petitioner preferred S.A.Nos. 691 and 602 of 1999 and the same are stated to be pending.

3. It appears from the record that the fourth respondent herein claiming to be in possession of the land in the same Sy .No. 12 of Akkarampalli in Chandragiri Taluk applied for assignment before the Mandal Revenue Officer. The Mandal Revenue Officer sub-divided the plot No. 19 as 19/B for an extent of 0.02 cents and granted house site patta in favour of the fourth respondent vide proceedings dt. 19-7-1992 excluding 0.01 cent already granted to the petitioner herein towards house site patta. The petitioner appears to be claiming the whole of the land in plot No. 19.

4. The petitioner preferred an appeal before the Revenue Divisional Officer, Tirupathi challenging the assignment granted to the fourth respondent. The Revenue Divisional Officer after an elaborate consideration of the matter came to the conclusion that there is nothing wrong in the assignment granted by the Mandal Revenue Officer in favour of the fourth respondent. During the hearing of the appeal, the Revenue Divisional Officer having made an enquiry came to the conclusion that the petitioner''s husband is an employee in Telephones Department and his annual income is Rs. 24,000/- and on account of which the petitioner cannot be held to be a landless poor person. The Revenue Divisional Officer also noticed that the petitioner herein occupied plot Nos. 20 and 21 and constructed a house therein and let it out for rent. The Revenue Divisional Officer directed the Mandal Revenue Officer to ascertain the socio economic status of the petitioner at the time of the grant of assignment and submit proposals to the Collector for cancellation of house site patta granted in favour of the petitioner in the year 1985.

5. The petitioner challenged the said order before the revisional authority. The revisional authority having perused the material available on record concurred with the findings of the Revenue Divisional Officer. The revisional authority also found that the petitioner in addition to 0.01 cent in plot No. 19 has also occupied land in plot Nos. 20 and 21, constructed a house in it and let it out for rent. These facts were ascertained from the report of the Commissioner in O.S.No. 322 of 1990 to which a reference had already been made. The revisional authority also noticed that the petitioner filed W.P.No. 763 of 1993 before this Court inter alia raising the very same dispute and the same was dismissed.

6. During the course of hearing of the revision petition, the petitioner herself has filed a Memo on 11-4-2000 stating that she is agreeable to pay the market value for 0.01 cent of land given to her as house site patta. Having regard to the totality of facts and circumstances of the case, the Joint Collector came to the conclusion that the petitioner herein is not entitled for any assignment as such. The Joint Collector doubted the grant of the very assignment in favour of the petitioner in the year 1985, since there is no such record stated to be available in any of the offices. The very fact that the petitioner was

willing to pay the market value for the land assigned in her favour would reveal her socio economic status. In the circumstances, the Joint Collector confirmed the order passed by the Revenue Divisional Officer and accordingly directed the Mandal Revenue Officer to initiate further proceedings against the petitioner for her eviction from the 0.01 cent of land in plot No. 19.

7. The appellate as well as the revisional authority concurrently found that the petitioner after coming into possession in plot No. 19 occupied the adjacent lands of plot Nos. 20 and 21. She is not a landless poor person. Her husband is an employee in the Telephones Department. The annual income of the petitioner and her husband together is stated to be more than Rs. 24,000/-. The fourth respondent continues to be a landless poor person. In the circumstances, the assignment granted in favour of the fourth respondent herein cannot be interfered with. The findings so recorded by all the authorities do not suffer from legal infirmity. The petitioner obviously made an attempt to grab the Government land by coming into possession of plot Nos. 20 and 21 even while the dispute with regard to plot No. 19 is pending. It is not known as to how the petitioner could challenge the assignment granted by the respondents in favour of the fourth respondent who is no other than her own mother. As observed by the revisional authority, it is eminently a fit case for making further enquiry against the petitioner to find out as to what was her socio economic status when the assignment was granted in plot No. 19 as early as in the year 1985. The revisional authority further expressed doubt as to whether there is actually any such assignment granted in favour of the petitioner. The enquiry so contemplated against the petitioner cannot be stalled and interdicted by this Court in this proceeding. Suffice it to hold that the order passed by the Joint Collector confirming the order of the Revenue Divisional Officer does not suffer from any legal infirmity. The writ petition is totally frivolous in its nature.

8. The writ petition fails and shall stand accordingly dismissed with costs.