

IN THE COURT OF THE STATE COMMISSIONER FOR RPwDS
AT MALAKPET, HYDERABAD

Present: Smt. B. Shailaja, M.A., LLB.,

Dated this the 22nd Day of November, 2021

Case No.RPwD Act/Gen-44/19

Between

**S. Dhanalaxmi, W/o. Balaswamy,
R/o. Kondamallepally, Nalgonda District. Petitioner**

And

**Collector & District Magistrate,
Nalgonda District. Respondent (1)**

**Tahsildar,
Kondamallepally,
Devarakonda Mandal,
Nalgonda District. Respondent (2)**

Petitioner Claim:

For fixing boundaries for the land admeasuring Acs. 3-23 in Doniyala (V) of Kondemallepally Tahsil of Nalgonda District after conducting survey for issue of new Pattedar pass Book and extending benefits under Rythu Bandhu.

The State Commissioner for RPwDs received a complaint from Smt. Seripalle Dhanalaxmi (a PwD) W/o. S. Balaswamy (a PwD) seeking for justice by conducting survey for fixing boundaries to an extent of Acs. 3-23 in Sy. No. 53/E1, 53/3/U and 55/E, stating that the Tahsildar, Kondamallepalle has failed to discharge his duties as per the orders of the Court of the Senior Civil Judge, Nalgonda, in Os No. 169/2005 dated 1-02-2006 and the order of Hon'ble Lokadalath dated 18-02-2010.

Petitioner stated in her complaint that she has purchased land to an extent of Acs. 3-23 from Sri Gundala Sattaiah, S/o. Pedda Iddaiah, R/o. Doniyala (V) of Kondamallepalle (M) in the year 2005 as per the sale deed copy produced by the petitioner (Sale Deed No.2449 of 2005). But some villagers namely (1) Sri Gundala Venkataiah, (2) Gundala Mallaiah, (3) Gundala Ramulu and (4) Gundala Sattaiah entered into petitioner's land and forcibly encroached the said land by taking away the crop also.

The District Collector was requested to examine the matter and to send a detailed report on the contents raised by the petitioner.

The District Collector in his report stated that he called for the report from the RDO concerned and found that as per Kasra Pahani for the year 1954-55, the total extent of the Sy. No. 55 is Acs. 10-35 and it was classified as patta land. The entire Survey No. was sub-divided into 55/A to an extent of Acs. 5-18 and 55/AA to extent of Acs. 5-17 Gts.

Gundala Ramaiah, S/o. Peddaiah was the pattedar of Acs. 5.18 Gts and Gundala ramulu, S/o. Peddiah is in possession and Gundala Ramaiah is the Pattedar of Acs 5-17 in Sy. No. 55/AA and Sri Gundala mallaiah, S/o. Ramaiah, Sri Gundala Pullaiah, S/o. Ramaiah were in the possession of the said land. It was further stated that in Pahani for the year 1994-95 the extension in sub-division 55/a was changed as below without any amendment orders passed by the competent Authority due to which an extent of Ac. 1-09 was excess recorded to the total extent mentioned in the kasra pahani and the extent held by the pattedar i.e., Gundala Mallaiah and Gundala Pullaiah in Sy. No. 55/AA were deleted from the records in which it was mentioned that Sri Gundala Sattaiah, S/o. Pedda Iddaiah was having Acs. 3-01 land. Smt. S. Dhanalaxmi is the daughter of Gundala Sattaiah, S/o. Pedda Iddaiah; originally he is having Acs.0-10 but, basing on the excess extent recorded on his name, he executed the registered document No. 2449/2005 dated 02-06-2005 to an extent of Ac. 3-01 in Sy. No. 55/E to his daughter, basing the said document, the petitioner is insisting to show her possession. The District Collector further stated that the Tahsildar, Kondamallepalle has issued Notices to the complainant and also to the pattedars and conducted survey on 29-05-2019 and 30-05-2019 to conduct the enjoyment survey of Acs. 10-35 in Sy. No. 55/A and 55/AA. The complainant attend the survey on first day and not attended the survey on 2nd day and the enjoyment survey conducted by the Dy. Inspector of Survey, Devarakonda in which it was recorded as Acs. 0-10 Gts. in favour of Seripalle Dhanalaxmi, W/o. Balaswamy.

Further, the District Collector stated during the land Records purification conducted in the month of September, 2017, the Survey No. 55 was put in Dispute Register due to the excess extent recorded with respect to Khasra Pahani. But the petitioner is insisting to show the possession to an extent of Acs. 3-01 Gts. in Survey No.55 as per the registered document.

But originally petitioner is having the land to extent of Acs.0-10 Gts. In view of the above circumstances it is necessary to correct the extent in Revenue Records, to which the Joint Collector, Nalgonda is the Competent Authority under Section 166 (B) of the Land Revenue Act, 1317 Fasli and RDO, Devarakonda to submit the proposal for correction of the records with the documentary evidence.

To examine the contents raised by the petitioner, the petitioner and the Tahsildar were summoned to present before the Court of the State Commissioner after obtaining report from the Collector, Nalgonda District.

The Tahsildar, Kondamallepalle in her Proceedings No. B/793/2019 dated -08-2020 also reiterated the contents of the report of the District Collector in her report. Further submitted that the Pahanis for the year 1991-92 to 1993-94 are not available in the office. But in the Pahani for the year of 1994-95 the extent in the sub-division 55/A was changed as stated below without amendment orders passed by the Competent Authority due to which, the total extent Acs 1-09 was excess recorded to the total extent mentioned in the Kasra Pahani and the extent held by the pattedar i.e., Gundala Mallaiah, Gundala Pullaiah in Survey No. 55/AA were deleted from the records. The Details of difference submitted are as follows:

SI. No	In the year 1990-91 extent	Extent	In the year 1994-95	Extent
1	Gundala Pedda Mallaiah, Gundala China Mallaiah, Gundala Sri Ramulu	3.10	Gundala Pedda Mallaiah, Gundala China Mallaiah, Gundala Sri Ramulu	3.01
2	Gundala Sathaiah, S/o. China Iddaiah	1.14	Gundala Sathaiah, S/o. China Iddaiah	3.01
3	Gundala Sathaiah, S/o. Peda Iddaiah	0.10	Gundala Sathaiah, S/o. Peda Iddaiah	3.01
4	Gundala Sathiah, S/o. Pullaiah	1.34	Gundala Sathiah, S/o. Pullaiah	3.01
5	Gundala Mallaiah	5.17	Not recorded in records but in physical possession	

The Tahsildar further informed that a survey was conducted for the enjoyment survey of Acs.10-35 Gts. in Survey No. 55/A and 55/AA. The complainant attended 1st day and not attended for 2nd day. The entire

enjoyment survey was conducted by the Inspector of Survey, Devarakonda.
The details of the enjoyers are as follows:

Sl. No	Sy. No.	Extent	Name of the Enjoyers
1	55/A	0.05	Gundala Lingamma, W/o. Sathaiah
2	55/A	0.07	Gundala sathaiah, S/o. Pullaiah
3	55/A	0.09	Gundala Lingamma, W/o. Sathaiah
4	55/A	0.08	Gundala Yalamachamma, W/o. Peda Mallaiah
5	55/A	0.10	Sheripally Dhanalaxmi, W/o. Balaswamy
6	55/A	0.11	Gundala Sathaiah, S/o. Pullaiah
7	55/A	0.18	Gundala Lingamma, W/o. Sathaiah
8	55/A	0.31	Gundala Yalamachamma, W/o. Peda Mallaiah
9	55/A	0.28	Gundala Yalamachamma, W/o. Peda Mallaiah
10	55/A	0.28	Chinna mallaiah, S/o. Ramaiah
11	55/A	0.14	Gundala Sathaiah, S/o. Pullaiah
12	55/A	1.00	Boda Yadaiah, S/o. Ramaiah
13	55/A	0.08	Old well
	Sub-total	5.18	
14	55/AA	1.26	Gundala Iddaiah, S/o. Venkataiah
15	55/AA	1.04	Gundala Sathaiah, S/o. Pullaiah
16	55/AA	0.22	Gundala Venkataiah, S/o. China Mallaiah
17	55/AA	0.05	Gundala Iddaiah, S/o. Venkataiah
18	55/AA	0.16	Gundala Venkataiah, S/o. China mallaiah
19	55/AA	0.17	Gundala Sathaiah, S/o. Pullaiah
20	55/AA	0.10	Gundala Venkataiah, S/o. China Mallaiah
21	55/AA	0.08	Gundala Iddaiah, S/o. Venkataiah
22	55/AA	0.05	Gundala Iddaiah, S/o. Venkataiah
23	55/AA	0.09	Gundala Sathiah S/o. Pullaiah
24	55/AA	0.15	Old Well
	Sub-total	5.17	
Grand Total		10.35	

Further, the Tahsildar stated complainant is in possession only to an extent of Acs.0-10 Gts. in Survey No. 55/A as per the above statement. As per Rule 26 of Telangana Rights in Lands Pattedar Pass Book Rules, 1989

read with Act 1971, the pattedar Pass Book shall be given only to those who are actually in possession of the land. But without looking into the said rule position and without conducting the enjoyment survey the then Tahsildar has implemented the registered document to an extent of Acs. 3-01 Gts. in Sy. No. 55/A and issued the pass Books.

During the land records purification conducted in the month of September, 2017, the Survey Number was put in dispute register due to the excess extent recorded in Khasra Pahani. As per the enquires, the father of the petitioner who sold the land through Sale Deed has original title to extent of Acs. 0-10 Gts and present she has the same extent is entered in her PPB and was in possession to the same extent. But the petitioner is insisting to show the possession to an extent of Acs. 3-01 Gts. as per the registered document which she has obtained by fraudulent from the father.

The Tahsildar, Kondamallepally in her report addressed to the State Commissioner in her Lr. No. B/973/2019 dated -12-2020 in response to the Lr. Case No. RPwD Act/Gen-44/2019 dated 28-01-2021 has furnished the information stating that the Gundla Sattaiah got land in 1984-85 vide Court Decree in OS No. 944/85 to an extent of Acs. 0-10 Gts. and his father elder brother Gundala Ramaiah in Sy. No. 55 with extent of Acs. 5-17 Gts. In 2014 the then Tahsildar has issued a notice to conduct the enjoyment survey. After conducting survey the pattedar has not given consent about the survey done and no panchanama has been conducted in this regard. Hence, the survey conducted by the surveyor has not been approved.

The Pattedars have agreed and admitted that the Seripally Dhanalaxmi, W/o. Balaswamy has land in Sy. No. 53/1 (Ac 0-11 Gts.), 53/3 (Acs. 0-11 gts) and 55 Acs. 3-01 gts. total admeasuring Acs.3-23 Gts. before the Lok Adalat in Case No. 99/10 in EP No. 97/07 and in OS No. 169/05. But there was record in the name of the defendants No (1) and (3) in the said Sy. No. 55 and defendants (3) and (4) died. And there were no land to Sri Gundala Sattaiah as per the records and the plaintiff has no possession in the said Sy. No. 55 and no land was mutated in favour of Gundala Venkataiah, S/o. Mallaiah to an extent of Acs.2-00 and Acs.1-00 to Gundala Yadaiah, S/o. Sattaiah by the Tahsildar.

As seen from the reports of the District Collector, Nalgonda District and the Tahsildar, Kondamallepalle of Nalgonda District and the documents

furnished by the petitioner Smt. S. Dhanalaxmi, W/o. Balaswamy and the Tahsildar, Kondamallepalle Tahsil, the following is examined by this Court.

1. The total extent of the land covered in two survey numbers i.e., Sy. No. 55/A and 55/AA are in an extent of Acs. 10-35 Gts. as per 1954 Khasra Pahani and the same was maintained up to 1990-91. But in the year 1994-95 it was recorded as Acs. 12-04 gts. showing against (4) persons, deleting an extent of Acs. 5-17 of Gundala mallaiah who was in possession of Acs. 5-17 Gts. upto 1990-91.
2. How Gundala Sattaiah, S/o. Pedda Iddaiah was recorded as in possession of Acs. 3-01 gts. Though it was stated as 0-10 gts. in the year 1984-85.
3. The defendants has agreed before the Lok Adalath that Smt. Seripalle Dhanalaxmi in the possession of an extent of Acs. 3-23 gts. in Survey Nos. 53 & 55 and assured that they will not come into the way of enjoyment by Smt. Seripalle Dhanalaxmi. How this agreement before Lok Adalath was seen by the Revenue Authorities is not known and the Tahsildar has not furnished any reply on it.
4. As per the reports of both the District Collector and Tahsildar, it was concluded that the petitioner Smt. S. Dhanalaxmi, W/o. Balaswamy is having only Acs. 0-10 gts. of land in her possession as per survey conducted in May, 2019 and listed 23 other persons as enjoyers of Acs. 10-25 gts. The reports not revealed the fact, whether the identified enjoyers of the said lands are having any ownership title over their share of landed property as recorded in the survey. Here it appears the enjoyers may be under encroachment of the landed property thereby they are in possession of the said land. The reason narrated by the Revenue Authorities is not convincing. As they have not carefully examined the orders of the Court of the Sr. Civil Judge, Nalgonda and Lok Adalath, Nalgonda which were passed in favour of Smt. Dhanalaxmi, W/o. Balaswamy.

The orders of the Jr. Civil Judge at Devarakonda dated 05-07-2004 reads as follows in OS No. 42 of 2003 filed by Gundala Sattaiah, S/o. Pedda Iddaiah against Gundala Mallaiah, S/o. Ramaiah and (2) others as defendants:

"DECREE:

This suit coming on this day before me for final hearing and disposal in presence of Sri Gulam Amzad Advocate for plaintiff and defendants 1 to 3 are remained exparte and having stood over for consideration to this day this court made doth order and decree as follows:

1. That the suit of the plaintiff be and is hereby decreed as follows:
2. That the plaintiff be and is hereby declared as owner of the suit schedule property
3. That the defendants and their men are hereby restrained perpetually from interfering with the possession of the plaintiff over the suit schedule properties.
4. There is no order as to costs."

Further, Smt. Seripally Dhanalxmi, W/o. Balaswamy has filed OS No. 169 of 2005 in the Court of the Senior Civil Judge at Nalgonda against (1) Gundala Venkataiah, S/o. Mallaiah, (2) Gundala Mallaiah, S/o. Ramaiah (3) Gundala Ramulu, S/o. Chinna Eddaiah and (4) Gundala Sattaiah, S/o. Chinna Eddaiah and the Court of the Sr. Civil Judge has passed the judgement as reads below:

"This is a Suit filed for grant of Perpetual injunction.

2. The plaint averments are that the plaintiff is the owner of the agricultural lands in Sy. No. 53/E measuring Acs. 0-11 gts., Sy.No. 53/3/VU and Sy. No. 55/E measuring Acs. 3-01 gts. total measuring Acs.3-23 gts of Doniyala village of Devrakonda Mandal within the boundaries as described in the schedule. Originally the suit lands are belongs to Gundala Sathaiah. The plaintiff purchased the suit land from Gundala Sathaiah for Rs. 45,000/- under registered sale deed document No. 2449/2005 dated 02-07-2005. Since the date of purchase plaintiff became owner and possessor of the suit land. She got mutated her name in R.O.R vide Proceedings vide No. C/469/2005 dated 19-09-2005 with Mandal Revenue Officer. After mutation of the name of the plaintiff in the R.O.R, the Mandal Revenue Officer issued Pattedar pass Book. The plaintiff had also filed certified copies of pahanies in support of her claim. The defendants neither the owners nor the possessors of the suit schedule property. The husband of the plaintiff is handicapped. He is unable to protect his land. They tried to interfere with the possession of

the plaintiff on 10-11-2005 and 20-11-2005. Without the help of the Court the plaintiff is unable to protect her right over the suit schedule property. Therefore this suit is filed for grant of perpetual injunction restraining the defendants not to interfere with the peaceful possession and enjoyment of the plaintiff over the suit schedule property and costs.

3. In this instant case the defendants have originally appeared through Sri K. Prabhaker Reddy, Advocate, who filed Memo of appearance with an offer to file vakalath. But though three adjournments are given they have neither filed vakalath nor filed the written statement. The Advocate and the defendants called absent. The defendants are set *exparte* on 06-1-2006. This case is underwent adjournment under till 27-01-2006, but no steps have been taken by the defendants to file petition to set aside the *exparte* order.

4. P.W. 1 is examined. Exs.A1 to A11 are marked.

Whether the plaintiff is entitled for perpetual injunction as prayed for?

5. Point: P.W. 1 Plaintiff herself is examined. EX.A1 is the registered sale deed which was executed by sathaiah. This is executed on 02-07-2005. By virtue of this document possession is already delivered in favour of the purchaser by Sathaiah. EX. A2 is mutation certificate is issued by the Mandal Revenue officer, Devarakonda. He had also issued Pattedar pass book in favour of the plaintiff herein. The name of the Gundala Sathaiah is appearing in pahanies in respect of the suit land. In pahanies for the years, 2004-05, 1999-2000, 1998-99, 1996-97, 1995-96, 1994-95. The entries in pahanies shall be presumed to be true unless contrary is proved. The ownership of vendor of plaintiff Gundala Sathaiah is traced from the pahanies from the year, 1994-95 onwards. He had validly executed document in favour of the plaintiff. Therefore he had validly conveyed the title in respect of the suit property in favour of the plaintiff along with the possession. Under such circumstances, the plaintiff is the possessor of the suit property having purchased the land under valid consideration. Therefore the plaintiff is entitled for perpetual injunction against the defendants.

6. Since the possession of the plaintiff is made out. The suit is decreed with costs. The defendants are restrained from interfering in peaceful possession and enjoyment of the plaintiff over the suit schedule property in any manner by way of perpetual injunction.

Dictated to the P.A, transcribed by him, corrected and pronounced by me in the open Court on this day 1st day of February, 2006."

Further, Smt. S. Dhanalaxmi has also filed petition Case No. 99 of 2010 in E.P No. 97 of 2007 in O.S No. 169 of 2005 before Lok Adalath at Nalgonda. The Award passed by the Lok Adalath dated 18/02/2010 at Nalgonda reads as follows:

"AWARD:

1. It is agreed and admitted by the Judgement Debtors/defendants that the Decree Holder/Plaintiff is the owner and possessor of the suit schedule property bearing Sy. No.53/1 to an extent of Ac.0-11 ggts, Sy. No.53/3 to an extent of 0-11 gts., and Sy. No. 55 to an extent of Acs.3-01 gts., totally Acs. 3-23 gts. situated at Doniyala (V) of devarakonda Mandal, Nalgonda District bounded by East:: Land of Gundala Venkaiah; West:: Land of Gundala Pullaiah; North:: Land of Gundala Ramaiah and others and South:: Land of Gundala Sathaiah.
2. The Judgment Debtors/defendants agreed that they will not interfere into the possession and enjoyment of the Decree Holder/Plaintiff over the above suit schedule property.
3. In view of the above said settlement, the E.P is disposed off in terms of compromise.

The terms of compromise and the above award are read over and explained to both parties in Telugu who having admitting the same to be true and correct, have affixed their signatures in evidence of their consent for the terms of Award."

As per Legal Services Authorities Act, 1987 as amended by Act No. 37 of 2002 under Section 22E:

1. Every Award made by the permanent Lok Adalath under this Act shall be made either on merit or in terms of settlement agreement be final and binding on all the parties there to and on persons claiming under there.

2. Every award of the Permanent Lok Adalath under this Act shall be deemed to be a decree of Civil Court.
4. Every Award Made by the Permanent Lok Adalath under this Act shall be final and shall not be called in question in any original suit, application or execution proceedings.

As per RPwD Act, 2016, U/s 80, The State Commissioner shall—

- (a) identify, suo motu or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;
- (b) inquire, suo motu or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;
- (c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation

As verified with the reports and material furnished by the petitioner, the District Collector, Nalgonda and the Tahsildar, Kondamallepally, it is observed that the petitioner is the legitimate owner for an extent of Acs. 3-23 Gts. in Sy. Nos. 53 and 55/A of Doniyala (V) of Kondamallepally Tahsil, Nalgonda District. The Tahsildar, Kondamallepally in her report stated that they conducted survey in the land and identified 24 persons as enjoyers of the said land of Acs. 10-35 Gts. in Sy. No.55/A and 55/AA, wherein the petitioner was shown with Acs. 0-10 Gts. of land. It is not known how the Tahsildar concluded the enjoyment without any supportive ownership title/document in respect of the other enjoyers. The Tahsildar also stated that the petitioner has acquired the sale deed in her favour to an extent of Acs. 3-23 Gts. by way of fraudulent manner. But the Tahsildar could not provide any documentary proof in support of her plea.

As verified with the Pahani copies issued by the Revenue Authorities of the concerned mandal it is established that the concerned authorities have issued pahanis according to their whims and fancies without having any base for changes made by them in the pahanis. It is evident that the VRO has issued pahani wherein it was recorded that the petitioner Smt. Seripalle Dhanalaxmi, W/o. Dhanalaxmi has sold away Acs. 2-00 land to

Sri Gundala Venkataiah and Acs.1-00 of land was sold to Gundala Yadaiah in Sy. No. 55/E. But, there is no valid sale deed document to prove that Smt. S. Dhanalaxmi has sold away the said land. How the pahani was issued without any base is not known and the Tahsildar could not able to provide proper answers for such differences in Pahani. In fact Pahani is a credible document to identify the pattedar of the land. In this case the importance of pahani issued by the Thaluk Office, Kondamallepally has lost its validity as it shows variations without proper ground. The Pahani was issued in 1994-95 shows that Sri Gundala Sattiah, S/o. Pedda Iddaiah of Doniyala (V) was having Acs. 3-23 Gts. in the above said Sy. Nos. it were carried up to 2004-05. Sri Gundala Sattiah has informed that he got the landed property of Acs. 3-23 Gts. for his share from the un-divided property of his forefathers. The Revenue Authorities have also issued title deed and Pattedar pass book in his favour. Further, Sri Gundala Sattaiah, S/o. Pedda Iddaiah has filed a case in OS No. 42/2003 against (1) Gundala Mallaiah, S/o. Ramaiah, (2) Gundala Sattaiah, S/o. Ramaiah, and (3) Gundala Ramulu, S/o. Chinna Iddaiah in the Court of the Junior Civil Judge at Devarakonda in 2003, wherein the Jr. Civil Judge, Devarakonda has issued orders dated 05-07-2004 by way of decree in favour of Sri Gundala Sattiah, S/o. Pedda Iddaiah for an extent of Acs. 3-23 Gts. in Sy. Nos. 53/1/E, 53/3/VU and 55/E. Later, He sold the said landed property to Smt. Seripally. Dhanalaxmi, W/o. Balaswamy and executed sale deed No. 2449 of 2005 dated 02-06-2005. The Revenue Authorities have mutated the said land in their records in favour of Smt. Sheripalle Dhanalaxmi, W/o. Balawamy vide Procs. No. C.469/2005 dated 19/09/2005 and Title Deed and Pattedar Pass Book were issued and the same was entered in the Pahani also.

It is also observed that Smt. S. Dhanalaxmi has filed a case in OS No. 169 of 2005 in the Court of the Senior Civil Judge at Nalgonda against (1) Gundala Venkataiah, S/o. Mallaiah, (2) Gundala Maillaiah, S/o. Ramaiah, (3) Gundala Ramulu, S/o. Chinna Iddaiah and (4) Gundala Sattaiah, S/o. Chinna Iddaiah as they tried to interfere with the possession of Smt. S. Dhanalaxmi on 10-11-2005 and on 20-11-2005. To protect her right over the above property she filed the suit for perpetual injunction for restraining defendants not to interfere with the peaceful possession and enjoyment of her landed property. The Court of the Senior Civil Judge, Nalgonda issued orders in her favour. Later the defendants in the above said suit has come into an agreement with Smt. S. Dhanalaxmi and assured that they will not

interfere in the peaceful possession of the land admeasuring Acs. 3-23 gts. as per the boundaries mentioned therein and signed the agreement by all the defendants. The terms of compromise was also arrived before the Legal Services Authority at Nalgonda in E.P No. 97 of 2007 in O.S No. 169 of 2005. However, taking the helplessness condition of Smt. Seripalle Dhanalaxmi and her husband S. Balaswamy (both are being the Persons with Disabilities), the defendants failed to honor the agreement given by them and trying to enter into the above landed property. Therefore Smt. S. Dhanalaxmi has filed a case No. 99 of 2010 before the Lok Adalath at Nalgonda in E.P No. 97 of 2007 in O.S No. 169 of 2005. The Lok Adalath, Nalgonda has passed award in favour of Smt. S. Dhanalaxmi against the other (4) defendants and they have agreed and admitted that the decree holder/ plaintiff is the owner and possessor of the suit scheduled property baring Sy. No. 53/1 to an extent of Acs. 0-11 Gts, Sy. No. 53/3 to an extent of Acs. 0-11 Gts. and Sy. Nio. 55 to an extent of Acs. 3-01 Gts. totally Acs. 3-23 Gts. situated at Doniyala (V), Devarakonda (M), Nalgonda District bounded by East :: land of Gundala Venkaiah, West:: Land of Gundala Pullaiah, North:: Land of Gundala Ramaiah and others and South: land of Gundala Sattaiah. Further the judgment debtors/defendants agreed that they will not interfere into the possession and enjoyment of the decree holder/plaintiff over the above suit scheduled property and all the (4) defendants have signed before Lok Adalath at Nalgonda. The said document was also signed by the advocates of both the parties. However, the said defendants and their people are disturbing the decree holder continuously from peaceful enjoyment and possession of the said landed property. Therefore, Smt. Seriaplle Dhanalaxmi has filed E.P No. 16/2011 in O.S No. 169 of 2005 in the Court of the Senior Civil Judge, Nalgonda. The Senior Civil Judge at Nalgonda issued directions in the orders dated 02-03-2012 to the Station House Officer, Devarakonda to give police protection in favour of the above suit decree holder against the named judgment debtors and their people in peaceful enjoyment and possession over the said property.

In spite of all these orders issued by the Court of the Senior Civil Judge, Nalgonda and Lok Adalath of Nalgonda District, the petitioner Smt. Seripalle Dhanalaxmi, W/o. Balaswamy could not able to keep her land in her possession and enjoyment due to the interference of the above defendants or their people in support of others. The petitioner is not allowed into her land to cultivate and the above defendants of their people entered illegally and occupied the said land.

The report of the District Collector, Nalgonda may be based on the report of the lower level officers which shows that Smt. Seripalle Dhanalaxmi is having a piece of land admeasuring Acs. 0-10 Gts. which is not correct. The records submitted by the petitioner in support of her claim is found genuine and she is entitled for her claim of Acs. 3-23 Gts. of the said landed property to her from the hands of its illegal occupiers who are said to be enjoyers as per the survey conducted by the Tahsildar, Kondamallepally as per her report, which is misleading information furnished to the Court of the State Commissioner for RPwDs.

In view of the above facts and circumstances it is come to the conclusion that it is a fact that Smt. Seripalle Dhanalaxmi is the owner of Acs. 3-23 Gts. in Sy. Nos. 53 and 55 as stated above and the following recommendations are made, as the State Commissioner is the competent authority to safeguard and protect the interest of the PwDs as per Section 80 of RPwD Act, 2016.

Recommendations of the State Commissioner for RPwDs:

1. The District Collector, Nalgonda shall arrange to get the survey in the above landed property situated in Sy. Nos. 53 and 55 and arrange to demarcate the land to an extent of Acs. 3-23 Gts. in favour of Smt. Sheripalle Dhanalaxmi from out of the total extent of the land in Survey Nos. 53 and 55 as per the orders of the Court of the Senior Civil Judge, Nalgonda and Lok Adalath, Nalgonda.
2. The District Collector, Nalgonda shall also arrange to provide security to the petitioner Smt. S. Dhanalaxmi and her husband Sri S. Balaswamy of Doniyala (V) from the present illegal occupants under whose possession the land is locked by releasing the said land from them and arrange to handover to the petitioner, besides taking other safety measures as both the petitioner and her husband are the Persons with the Disabilities, with the assistance of District Police Authorities.
3. The District Collector shall also safeguard the interest of the petitioner in protecting her land from the clutches of the encroachers by taking permanent measures in this regard.

4. The District Collector shall also examine the total Revenue Record once again pertaining to these Sy. Nos. in Doniyala (V) and recommended to take appropriate disciplinary action against the Revenue officers who are involved in altering the Revenue Records (Pahanies) as per their convenience to protect the encroachers of the land of the petitioners.
5. The District Collector shall take appropriate action on the above recommendations and send the Action Taken Report within three months as per Section 81 of RPwD Act, 2016.


STATE COMMISSIONER

To

The District Collector, Nalgonda District.

Copy to the Smt. Seripalle Dhanalaxmi, W/o. Balaswamy, R/o. Kondamallepally, Nalgonda District.

Copy to the Tahsildar, Kondamallepally Tahsil, Nalgonda District.