

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6198 of 2011

ORDER:

The writ petitioner challenges the proceedings dated 27.01.2011 of the 1st respondent-Revenue Divisional Officer.

2. As can be gathered from the averments in the writ affidavit and the material filed in support thereof, the petitioner is the owner of lands in an extent of Ac.0-08 cents and Ac.1-30½ cents in Survey Nos.496/2 and 496/3, respectively, of Koppolu village, Ongole mandal, Prakasam district, having acquired the same through registered sale deed No.3521/2007. The petitioner also states to have purchased an extent of Ac.1-74 cents in Survey No.496/4 of the same village. While so, the 3rd respondent appears to have approached the 2nd respondent-Sub-Divisional Police Officer, complaining that the petitioner has encroached into his land. The 2nd respondent registered a case in Crime No.424/2009, and forwarded the complaint to the 1st respondent-Revenue Divisional Officer. The 1st respondent directed the Tahsildar to enquire into the matter and submit a report. The Tahsildar, in turn, directed the Mandal Surveyor to conduct survey and submit a report. Based on the report furnished by the Tahsildar, the 1st respondent addressed a letter to the 2nd respondent on 27.01.2011, which reads as under:

**"From
Sri K. Nagababu, M.Com, L.L.B, M.B.A.,
Officer,
Revenue Divisional Officer,**

**To
The Sub-Divisional Police
Ongole.**

ONGOLE

Rc.D/3320/2010, Dated .01.2011.

Sir,

Sub:- SC & ST Atrocity Cases – Complaint filed by Sri Gaddala Sundara Rao, Koppolu – against Smt Singamaneni Vijaya Nirmala – clarification regarding dispute in S.No.496/3, 4 Ac.0.56 Cents – Reg.

Reg:- 1. SDPO, Ongole Lr.No. Nil, dt: 02.09.2010
(crime No.424/09 of Ongole Taluk Police Station).
2. Tahsildar, Ongole Rc.A/756/2010, dt: 19.01.2011.

I invite kind attention to the references cited.

The Tahsildar, Ongole in the reference 2nd cited reported that Smt Gaddala Dayamma purchased Ac.0.56 cents in S.No.496/3,4 of Koppolu Village from Sri Koppolu Venkateswarlu S/o Kotaiah vide registered Doc.No.5114/2007, dt: 15.05.2007, Sri Koppolu Venkateswarlu purchased the said land from Gaddala Pedaramaiah and three other sons of Peda Obaiah vide registered Doc.No.7291/2005, dt: 14.11.2005. The said Peda Obaiah purchased the land from Gaddala Ragaiah S/o Lakshmi Narsu vide Doc.No.485/1935, dt:07.05.1935. Thus Smt Gaddala Dayamma is holding Ac.0.56 cents in S.No.496/3,4 of Koppolu Village with legitimate right. Smt Singamaneni Vijaya Nirmala has purchased Ac.1.30 ½ cents in S.No.496/3 and Ac.1.59 cents in S.No.496/4 including the land purchased by Nallamalli Badari Narayana S/o Venkateswarlu vide Doc.No.5250/2005, dt: 26.07.2005 (Ac.0.96 cents in S.No.496/4) and Doc.No.5131/2005, dt: 26.07.2005 (Ac.0.11 ½ cents in S.No.496/3 and Ac.0.25 cents in S.No.496/4). In the Documents of purchase by Sri Nallamalli Badari Narayana, Sri Gadda Peda Obaiah's dry land is shown as a boundary on North and South. Thus Peda Obaiah was holding land in S.No.496/3 & 4 which was purchased by Venkateswarlu and thereafter by Gaddala Dayamma W/o Sundara Rao. As claimed by the complainant the Document was written by mistake that the land is in compact black. In fact it is spread in two blocks viz. Ac.0.24 cents in S.No.496/4 and Ac.0.32 cents in S.No.496/3 adjoining the Donka on the East. Smt Singamaneni Vijaya Nirmala purchased Ac.1.30 ½ cents in S.No.496/3 and Ac.1.59 cents in S.No.496/4 excluding the land belonging to Peda Obaiah which was later purchased by Smt Gaddala Dayamma. But Smt Singamaneni Vijaya Nirmala laid a venture of house sites without excluding the site purchased by Smt Gaddala Dayamma W/o Sundara Rao.

As per the report of Tahsildar, Ongole in the reference 2nd cited the site belonging to Smt Gadala Dayamma was occupied by Smt Singamaneni Vijaya Nirmala and sold away in form of house site plots (by forming layout) along with the site purchased by her.

Yours faithfully

Sd/- 27/1/11

Revenue Divisional Officer,
Ongole

Copy submitted to the Collector, Ongole for favour of information”

3. The report submitted by the 1st respondent to the 2nd respondent, which is extracted above, pursuant to the request of the 2nd respondent on 02.09.2010 in Crime No.424 of 2009 of Ongole Taluk Police Station, is totally unwarranted and illegal. Whatever may be the truth or otherwise of the contents of the report, the fact is that there is a dispute between the petitioner and the 3rd respondent with regard to immovable property i.e., land. Instead of directing the respective parties to work out remedies available to them before appropriate forum, the 1st respondent has unnecessarily undertaken the exercise of calling for records, documents and conducting enquiry and thereafter give a report to the 2nd respondent. Even assuming that the 2nd respondent called for certain information in respect of the crime, the aspect with regard to determination of title or ownership of the property, could not have been categorically given by the 1st respondent who is a revenue official.

4. In that view of the matter, the 1st respondent is directed not to indulge in any manner of enquiry with regard to the title or possession disputes in respect of the property in issue between the petitioner and the 3rd respondent. It is for the petitioner and the 3rd respondent to work out the remedies available to them under law, both in respect of title as well as possession, by approaching appropriate Civil Court.

5. The writ petition is, accordingly, allowed. No costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

08th June, 2015

ksm