HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 20744 of 2012

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not considering the applications submitted by the petitioners for regularization of their plots situated in Sy.No.86 of Gajuwaka Village and Mandal, Visakhapatnam District, as illegal, arbitrary and unconstitutional; and consequently direct the respondents to permit the petitioners to take steps for protecting their plots by constructing compound walls.

It is the case of the writ petitioners that in the year 1968, they have approached the Inamdar (Mukhasadar) namely A.V.Bhanoji Rao with a request to grant pattas in their favour in respect of the lands which are in their possession and accordingly said A.V.Bhanoji Rao granted pattas to the petitioners along with other occupants. While things stood thus, the Revenue Authorities invited claims from all the persons, who were inducted by the Inamdar into the Inam Lands prior to 20.06.1975 to file their claims for granting ryotwari pattas before the appropriate authority. Accordingly, the petitioners filed their claims and ryotwari pattas were granted in their favour. All the petitioners are continuously in possession and enjoyment of the plots without any interruption. In the year 1993, the Mandal Revenue Officer, Gajuwaka filed Inam Appeals under Section 7 (2) of Andhra Pradesh Inam and (Abolition and Conversion into Ryotwari) Act, 1956, against the orders of the Special Deputy Tahsildar (Inams), Visakhapatnam, granting

ryotwari pattas in respect of 310 persons, on the ground that the ryotwari pattas granted were irregular. When the Mandal Revenue Officer and Mandal Revenue Inspector made attempts to interfere with the peaceful possession of the similarly placed persons, W.P.Nos. 26098/2000, 12738/2001 and 21980/2003 came to be filed and this Court granted interim stay of dispossession. While the said writ petitions were pending, the Government came forward with G.O.Ms.No.44, dated 11.01.2008, wherein the plots and dwelling houses in Gajuwaka Mandal were sought to be regularized by collecting market value prevailing in the year 1990 apart from imposing certain conditions. In view of the said G.O. the said writ petitions were disposed of on 22.09.2008 directing the petitioners therein to approach the Officer concerned within a period of eight weeks from that day for regularization of their occupation in terms of G.O.Ms.No.44, dated 11.01.2008. If such applications are received, the competent authority was directed to dispose of the same expeditiously. It was also held that till disposal of the applications, if made within the stipulated time, their possession shall not be interfered with. Since the petitioners are placed on par with the petitioners in the above writ petitions, they filed writ petitions which were disposed of by this Court with a direction to the respondents to dispose of the applications made by the petitioners in the light of G.O.Ms.No.44, dated 11.01.2008 within a period of eight weeks from that day.

It is stated that though the orders were passed in the year 2010, till date the respondents have not taken any action. Thereafter, a Division Bench of this Court was pleased to pass an order in Writ Appeal No.1822 of 2008 permitting the petitioners therein to fence land to an extent of Ac.19.65 cents, to which patta has been granted to them by way of raising a compound wall or by fencing the same with a barbed wire or in any other effective manner, subject to condition that the same shall be removed in case of any adverse order being passed

by the appellate authority, at a later point of time.

In view of the orders passed by the Division Bench earlier and since the applications made by the petitioners are still pending consideration before the authority, it would be just and proper to permit the petitioners to protect their lands till disposal of such applications.

Without going into the merits and having regard to the circumstances stated above, the writ petition is disposed of permitting the petitioners to protect their plots by raising a barbed wire fencing, subject to the condition that the same shall be removed in case of any adverse order being passed against them by the authority before whom the applications are pending consideration. It is made clear that the petitioners shall not claim any equity over the said plots at a later point of time. It is needless to mention that it would be appropriate, if the Collector before whom the applications are pending, shall dispose of the same within a period of twelve (12) weeks from the date of receipt of a copy of this order. No order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed.

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JUSTICE C. PRAVEEN KUMAR

18th September, 2015
Note: Furnish C.C. by 21.09.2015
(b/o)
cbs
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