

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.13150 of 2011

ORDER:

Heard learned counsel for the petitioner and the learned counsel for the respondents. With the consent of both the parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed seeking issuance of Writ of Mandamus declaring the action of respondents 3 and 4 in not issuing pattadar passbooks to the petitioner and also not disposing the representations dated 11-04-2011 and 15-04-2011 for issuance of pattadar passbooks, as illegal and arbitrary.

The averments in the affidavit filed in support of writ petition would show that the petitioner retired from Indian Army in the year 2011. He was allotted land admeasuring Ac.01-21 in survey No.41/2 cents situated in Madhavapatnam Village, Samalkota Mandal, East Godavari District as per G.O.Ms.No.743 dated 30-04-1963. It is further stated that the petitioner made representations seeking assignment of the land to him, which was allotted to him under the said G.O. and to issue pattadar passbook in his favour. Though, he made representations in the month of April, 2011, till date the same was not considered. Hence, the present writ petition.

No counter is filed by the learned Government Pleader, but on oral instructions submits that issuance of pattadar passbooks to the petitioner does not arise as no land was allotted to him. He further submits that the documents filed by the petitioner show that the petitioner retired from service in the year 1997 and the present application is made nearly 13 years thereafter, which cannot be entertained as an ex-service man should make such an application within one year from the date of his retirement.

Inspite of the fact that four long years have passed, so far no counter affidavit has been filed by the respondents 1 to 4 denying the allegations made in the writ petition. Having regard to the fact that the averments made in the writ affidavit remain uncontroverted in the absence of any counter affidavit and without going into the rival contentions advanced by both the parties, the writ petition is disposed of by advising the 2nd respondent to dispose of the representation dated 11-04-2011 made by the petitioner, if the same is still pending consideration, in accordance with

law within a period of eight weeks from today.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

22-07-2015

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