

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10420 of 2015

ORDER:

This writ petition is filed by the petitioners seeking Writ of Mandamus declaring the action of the second respondent in not issuing the Occupancy Right Certificate in Form No.III with respect to the lands belonging to the petitioners admeasuring Ac.2-31 Guntas in Sy.No.734 of leeja village, Mahaboobnagar District as illegal and arbitrary and consequently direct the second respondent to issue Occupancy Right Certificate.

2. The averments in the writ affidavit are to the effect that petitioners have purchased the land an extent of Ac.2-31 guntas in Survey No.734 of leeja Village under a registered sale deed dated 20.06.2005 from Kanike Narsimulu and smt. Kake Yellamma and ever since they have been in possession and enjoyment of the same. It is further submitted that they made an application to the 2nd respondent-Revenue Divisional Officer, Gadwal, for confirmation of their occupancy right over the said land under Section 4(1) of Andhra Pradesh (Telangana Area) abolition of Inams Act (in short "the Act"). Accordingly, on the direction of the 2nd respondent, the 3rd respondent-Tahsildar, leeja Mandal conducted an enquiry and reported that the petitioners are in continuous possession and enjoyment of the same, and the Assistant Commissioner, Endowments, Gadwal has also clarified that the subject land was not an endowment land. Therefore, on perusing the revenue records, the 2nd respondent found that they are the successors-in-interest as occupants within the provisions of the Act and vide the proceedings No.C/894/2011, dated 10.07.2014 had concluded that they are entitled for grant of Occupancy Right Certificate in respect of the subject land. However, in spite of their repeated requests, the respondents have not furnished the Occupancy Right Certificate in Form No.III.

3. Heard Sri R.V. Nagabhushana Rao, learned counsel for the petitioners and learned Government Pleader for Revenue.

4. The material on record discloses the entitlement of the petitioners for grant of Occupancy Right Certificate and the same is evident from the proceedings No.C/894/2011, dated 10.07.2014 of the R.D.O. Now, what all sought to be is only implementation of proceedings, dated 10.07.2014 by recognizing the petitioners as the occupants and grant of Occupancy Right Certificate. Further, the Assistant Commissioner, Endowments Department, Gadwal had also clarified that the subject land was not an endowment land.

5 . In these circumstances, the second respondent is directed to take necessary steps on the application of the petitioners, which was taken on file as No.C-894/2011, and complete the formalities required to recognize the petitioners as the occupant and grant necessary certificate in Form No.III in accordance with law. The said exercise shall be completed within a period of eight (8) weeks from today.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

Date: 13.04.2015

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