

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.14292 of 2011

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Between:

Mamidi Ramana

PETITIONER

AND

1. The District Collector, Visakhapatnam, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondent Nos.1 to 3 and Sri K. Srinivasa Rao, learned counsel appearing for the 4th respondent.

The allegation in this writ petition is that the official respondents are interfering with the peaceful possession and enjoyment of the petitioner's property

admeasuring Ac.2.09 cents in Sy.No.167/16 situated at Gambheeram Village, Anandapuram Mandal, Visakhapatnam District.

A counter affidavit has been filed by respondents 1 to 3, categorically denying the allegations made by the petitioners. It is stated in the counter affidavit that in the year 1995 the then Mandal Revenue Officer, Anandapuram has issued pattadar pass book/title deed to Sri Mukthineni Suryanarayana S/o. Seshaiah, the 4th respondent herein, for an extent of Ac.1.67 cents in Sy.No.167/17 along with other claim lands vide Khata No.302 of ROR IB Register, on 6.12.1995, and subsequently, on an application and alternation deed submitted by the applicant, and as per the physical verification report of the Mandal Surveyor, the extent of Sy.No.167/16 in his pass book was revised as Ac.1.91 cents along with other survey numbers covered by his pass book. However, it is also stated that in the year 2011 the Primary Tribunal-cum-Special Deputy Tahsildar (Inams), Visakhapatnam has passed an order under Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 granting ryotwari patta in favour of one Sri Godi Varahalu vide order dated 17.03.2011.

The 4th respondent also filed a counter stating that he purchased the dry land admeasuring Ac.4.00 cents covered by different survey numbers under two registered sale deeds dated 31.01.1991 and 09.04.1991 from Smt. Nekkanti Lakshmi Surya Kumari, w/o. Veera Venkata Satyanarayana and her daughters, and since then he is in possession and enjoyment of the same. The said Nekkanti Lakshmi Surya Kumari herself acquired the subject property under registered sale deed Nos.13964/1983 and 13965/1983 dated 06.12.1983. The title to the property, as can be seen from the documents, was addressed as far back as in 1959. It is further stated in the counter that the 4th respondent filed O.S.No.359 of 2011 on the file of 1st Additional Senior Civil Judge, Visakhapatnam for permanent injunction restraining the petitioner herein from interfering with his possession, and obtained temporary injunction in I.A.Nos.383/2011 and 384/2011, and the said suits are still pending.

At the out set, there is a categorical assertion by the 3rd respondent-Tahsildar that the land is a private land and there is no interference by the official respondents in any manner and that the allegations of the petitioner are false and baseless. There is no reply affidavit filed by the petitioner denying the said assertion. The facts

as set out by the 4th respondent in his counter also stand un rebutted by filing any reply affidavit by placing relevant material, as such the specific assertion that the subject land is a private land, virtually stands un rebutted by the petitioner. Further a civil suit has already been filed by the 4th respondent and temporary injunction was also obtained restraining the petitioner from interfering with his peaceful possession and enjoyment of the property. In view of the same, the writ petition filed by the petitioner does not merit consideration and the same is liable to be dismissed.

Accordingly the writ petition is dismissed. However, any observations made in this writ petition are only for the purpose of disposal of this writ petition and shall not be construed as expressing any opinion on the rights of the parties in any manner. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

10th June, 2015

Js.