

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 15909 of 2011

ORDER:

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With the consent of both the parties, the main writ petition is disposed of at the admission stage.

Heard learned counsel for the petitioner and Government Pleader for Revenue.

The present writ petition is filed seeking issuance of a writ of mandamus directing the fourth respondent to implement the orders passed by the third respondent in File D.Dis.No.3874/2003/B dated 10.06.2010.

The averments in the affidavit filed in support of the writ petition are as under:

The Tahsildar granted D-Form patta in favour of the petitioner in respect of the land admeasuring Ac.3.06 cents in Sy.No.141/1 and Ac.1.61 cents in Sy.No.144/1 situated at Chinthalapalem Village, vide F.Dis.No.4074/85, dated 23.01.1976. Since then the petitioner is in possession and enjoyment of the said land. Subsequently, in the year 1996 the Tahsildar also issued pattadar pass book and title deed in favour of the petitioner. While things stood thus, basing on a false complaint, the Tahsildar, C.S.Puram, Prakasham District, cancelled the assignment patta granted in favour of the petitioner without issuing any notice or intimation to the petitioner. Aggrieved by the same, the petitioner preferred a revision before the Revenue Divisional Officer, Kandukur. By an order dated 02.12.2004 passed in Rc.B/3874/03, the Revenue Divisional Officer cancelled the proceedings issued by the Tahsildar. Aggrieved by the same, the fifth respondent herein preferred an appeal before the Joint Collector, Ongole vide D.Dis.No.E2/1962/2005. By an order dated 04.06.2008 the Joint Collector remanded the matter to the R.D.O., Kandukur to re-examine the issues in detail and thereafter, the R.D.O., Kandkur disposed of the appeal. The operative portion of the order is as under:

“D-form patta granted to an extent of Ac.1.61 and Ac.3.07 cents in Sy.Nos.141/4 and 144/1 of Chintalapuram village of C.S.Puram Mandal by the then Mandal Revenue Officer, C.S.Puram vide in his File Dis.No.211/2011 dated 31.12.2001 in favour of Kattulapalli Chalapathaiah and also pattadar pass book and title deed granted in favour of the said person are hereby cancelled and also the resumption orders issued by the Mandal Revenue Officer issued in Rc.No.346/01 dated 06.11.2001 are also hereby cancelled and the Tahsildar, C.S.Puram is directed to conduct panchanama and take possession of the schedule land and hand over to the original assignee i.e. Irangani China Narasimham S/o. Venkata Narasaiah.”

Even though the R.D.O. passed the orders directing the Tahsildar to take possession of land and hand over the same to the petitioner in the month of June, 2010, till date no steps are being taken to implement the said orders. The inaction of the fourth respondent, in implementing the orders passed by the Revenue Divisional Officer led to filing of the present writ petition.

Learned counsel for the petitioner submits that though the order was passed in the month of June, 2010, till date the said order is not implemented by the Tahsildar.

On the other hand, the Government Pleader for Revenue filed counter, wherein it was categorically stated that as per the orders of the Revenue Divisional Officer, Kandukur, the then Tahsildar, C.S.Puram along with Mandal Revenue Inspector, Mandal Surveyor, Village Revenue Officer conducted panchanama on 17.12.2014 putting the petitioner in possession of the properties. The said panchanama was witnessed by local persons and also by the writ petitioner. But the learned counsel for the petitioner would submit that fifth respondent filed an affidavit dated 22.12.2014 in the appeal preferred by him, wherein it was stated that he is in exclusive possession and enjoyment of the said land where there were several trees and two bore wells. According to him, the possession was not handed over to the petitioner. In view of the above, he submits that the averments in the counter filed by the fourth respondent are in correct. But at the same time, it is to be noted that the contents of the affidavit filed by the fifth respondent therein cannot also be accepted as true.

Having regard to the circumstances stated above, the writ petition is disposed of by directing the third respondent to take steps to put the writ

petitioner in possession of the said land, in view of the orders passed by him earlier, in accordance with law at the earliest. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

22.07.2015

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