

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.7612 OF 2005

ORDER:

Heard the learned counsel for the petitioners. None appeared for respondent No.3 to 17.

It is the case of the petitioner that an extent of Ac.1.40 cents in Survey No.5/4 and Acs.5.96 cents in Survey No.47-1 of Ankavaram Village was part of Chinnamasangi Zamin Estate notified under Section 1(4) of the A.P. Estates (Abolition and Conversion into Ryotwari) Act, 1956 ("the Act" for brevity). The Settlement Officer, Visakhapatnam, after enquiry, rejected the request for grant of patta in respect of those lands on the ground that the land in Survey No.47/1 is not part of patta land and the claim under Section 11(2) of the Act in respect of the land in Survey No.5/4 it not maintainable as it being a Darmila Inam. The petitioner filed an appeal before the Director of Settlements and the appeal was dismissed as barred by limitation on 30.04.1970. Against the same, it appears that the petitioner filed a revision before the Board of Revenue and the same was dismissed on 23.09.1970. Against the said order, the petitioner filed revision before the Government in the month of December, 1970 and when the same was pending, he filed W.P.No.9960 of 1994 and this Court granted an order of *status quo* pending disposal of the revision before the Government. The fate of the revision that was alleged to have been pending before the Government is not known. However, the Mandal Revenue Officer, Jiyyammavalasa, Vizianagaram District, issued pattas in his D.Dis.No.718/99 dated 23.11.1999 in respect of the above land. Against the same, one Babbadi Satyam Naidu and 20 others of Ankavaram Village, assignees of D-Pattas, submitted a representation to the Sub-Collector, Parvathipuram, who called for a report from the then MRO and based on the report dated 21.11.2004, he cancelled the ryotwari patta by his order in D.Dis.No.2534/2004/D/Dt.07.03.2005.

The Government did not choose to file counter affidavit even after fifteen years.

This Court, while admitting the Writ Petition on 07.04.2005, granted an order of *status quo* with regard to the nature and possession of the land and the said order

has been continuing till today.

It is fairly admitted by the learned counsel for the petitioners that against the orders of the Sub-Collector dated 07.03.2005, a further appeal/revision is maintainable to the competent authority under the Andhra Pradesh Inams (Abolition and Conversion into Ryotwari) Act ("Inams Act" for brevity) and he would take appropriate proceedings in that regard.

Recording the said submission, the Writ Petition is disposed of giving liberty to the petitioners to take appropriate proceedings for filing an appeal/revision under the provisions of the Inams Act within a period of three (3) months from the date of receipt of a copy of this order and till such time, the order of *status quo* granted by this Court on 07.04.2005 shall continue. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

20th March 2015

RRB