

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.26672 of 2012

Date: 06-10-2015

Between:

M. Ramasubbamma

.... Petitioner

AND

The Government of Andhra Pradesh, represented
by its Secretary, Revenue (ASN.4) Department,
Secretariat, Hyderabad and 4 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.26672 of 2012

ORDER:

-

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With the consent of both parties, the present writ petition is heard at the stage of admission itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in not regularizing the land in Survey No.4/1, 2, 3, 4 admeasuring Ac.3.47 cents of Chinnapandur village as per the orders passed in G.O.Ms.No.1046 Revenue (Assn.4) Department, dated 15-10-1992 and G.O.Ms.No.421 Revenue (Assn.4) Department, dated 13-05-1994 as illegal and arbitrary and consequently to direct the 2nd respondent to intimate to the petitioner the market value of the subject land and regularize the land in favour of the petitioner.

The facts leading to filing of the writ petition are that the land admeasuring Ac.1.66 cents in Survey No.4/1, Ac.0.32 cents in 4/2, Ac.0.29 in Survey No.4/3, and Ac.1.20 in Survey No.4/4 of Chinnapandur village, Varadaiahpalem Mandal, Chittoor District was assigned vide DKT No.683/4/77, dated 30-04-1968 in favour of N. Yusuf Khan, who alienated the above land to the writ petitioner vide registered sale deed bearing document No.304 of 1980. It is stated that the 3rd respondent- Revenue Divisional Officer, Tirupathi, cancelled the said assignment vide D.Dis.No.5776/86, dated 31-08-1986. Assailing the said cancellation, the petitioner filed revision petition before the 1st respondent, who by his order dated 15-11-1992 set aside the order of the 3rd respondent and directed the 2nd respondent to regularize the land in question in favour of the writ petitioner under Section 3 (5) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 on payment of market value. On a clarification made by the 2nd respondent, the 1st respondent issued amended G.O.Ms.No.421 Revenue (Assn.4) Department, dated 13-05-1994 and directed the 2nd respondent to implement the orders issued in the said G.O. The averments further disclose that on repeated representations made to the 2nd respondent to give effect to the order passed by the 1st respondent, the 2nd respondent sent a report to the Chief Commissioner of Land Administration and Special CS, A.P., Hyderabad, who issued a letter No.Spl.B3/1913/97, dated 01-12-1997 fixing the market value at Rs.50,000/- per acre and sent to the respondents 1 and 2 to take further action. The 2nd respondent sent several remainders to the 1st respondent requesting him to communicate the orders passed on the letter

dated 01-12-1997 of the Chief Commissioner but the 1st respondent vide Memo No.54436/Assn.IV (2)/2007-1, dated 13-12-2007 asked for a detailed report on the present status of the land in S.No.4/1, 2, 3 etc., admeasuring Ac.3.47 cents for passing appropriate orders. The 2nd respondent asked the 4th respondent to send a detailed report on the present status of the land vide Roc.E6/5402/01, dated 13-02-2008. It is said that in spite of the orders, the Government has not taken any action in fixing the market value, and as such, violated the provisions of G.O.Ms.No.1046, dated 15-10-1992 and G.O.Ms.No.421, dated 13-05-1994. Challenging the said inaction, the present writ petition came to be filed.

A counter came to be filed by the 4th respondent denying the allegations made in the writ affidavit. In the counter, it is stated that orders are not yet received from the Government on the proposals sent by the Chief Commissioner of Land Administration, A.P., Hyderabad No.Spl.B3/1913/97, dated 01-12-1997 and the matter relating to regularization of land in S.No.4/1 etc., to an extent of Ac.3.05 cents and fixation of market value in respect of the land is pending with the Government in Revenue Department and that necessary action would be taken on receipt of orders from the Government.

Basing on the said averments in the counter, the learned counsel seeks a direction to the Government for passing appropriate orders within a stipulated time. A reading of the para-8 of the counter affidavit clearly shows that the orders are yet to be received on the proposals sent by the Chief Commissioner of Land Administration, A.P., Hyderabad No.Spl.B3/1913/97, dated 01-12-1997; and the matter relating to

regularization of land in Survey No.4/1 admeasuring Ac.3.05 cents and fixation of market value is pending with the Revenue Department. The averments in the counter further disclose that necessary action would be taken on receipt of the orders from the Government.

Without going into the merits of the case, suffice would it be, to direct the 1st respondent to pass orders, in accordance with law, on the proposals submitted by the Chief Commissioner of Land Administration within a period of 15 weeks from the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 06-10-2015

Ksn