

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33784 of 2012

ORDER:

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

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the endorsement issued by the second respondent in his proceedings No. L.Dis.B/242/2012, dated 04.09.2012 as illegal, arbitrary and violative of principles of natural justice; and consequently set-aside the same and to direct the second respondent to issue pattadar pass book and title deeds in favour of the petitioner in respect of the land admeasuring Ac.0.66 cents in R.S.No.166/3, Gunadala Village, Vijayawada Urban Mandal, Krishna District.

The averments in the affidavit filed in support of the writ petition would show that the husband of the petitioner purchased land admeasuring Ac.0.66 cents in R.S.No.166/3, Gunadala Village, Vijayawada Urban Mandal, Krishna District, through an agreement of sale dated 14.10.1989 duly executed by its rightful owners and possessors namely Smt. Chagantipati Naga Varalakshmi and Uppalapati Venkateswara Raju. They purchased the said property from one Changipati Raghavulu through a registered sale deed dated 04.04.1966 and since the date of purchase, they are in continuous possession of the said property. It is stated that the husband of the petitioner made an application in the month of August, 1992 for issuance of pattadar pass book and title deed. Thereafter, the second respondent vide proceedings No.RC.K.1051/89 dated 13.08.1992, directed the husband of the petitioner to attend for enquiry on 28.08.1992 along with link documents. As no action was taken, despite furnishing necessary documents, the husband of the petitioner filed W.P.No.11821 of 2012 before this Court. By an order, dated 25.04.2012, this Court disposed of the writ petition with certain observations. The operative portion of the order is as under:

“The writ petition is disposed of. The petitioner, if so advised, may

file a fresh application claiming the relief, as claimed in this writ petition. In case, any such application is filed, the same be disposed of by the second respondent, in accordance with law, within a period of six months from the date of receipt of such application.”

Due to death of the husband of the petitioner on 27.05.2012, the petitioner made an application for issuance of pattadar pass book and title deeds before the second respondent in terms of the order referred to above. The said application was returned with the following endorsement.

“In view of the above, as the time relaxed by the Government for considering the Form-X claims was expired and the land for which you have applied in Form-X falls under Municipal Corporation and Urban Agglomeration, your request cannot be considered”.

Challenging the same the present writ petition came to be filed.

Learned counsel for the petitioner submits that the husband of the petitioner made an application in the year 1992 itself as such the endorsement dated 04.09.2012 rejecting the request that it has not made on or before 31.03.2008 is absolutely illegal. He further submits that the land which is subject matter of dispute is still an agriculture land and it was never converted into any other purpose.

The learned Government Pleader for Revenue submits that the land in question is now in the hands of the Urban Development Authority and there is any amount of doubt that the land is still being shown as agriculture land in the revenue records and the request of the petitioner can be considered provided the land is still being used for agricultural purpose.

From a perusal of the material placed on record, it is clear that the husband of the petitioner made an application in the month of August, 1992 seeking issuance of pattadar pass book and title deed. Pursuant thereto, he was directed to appear along with the link documents before the second respondent vide Rc.K.1051/89 dated 13.08.1992. It is stated that the husband of the petitioner appeared before the second respondent with all the records but no orders were passed. Then the husband of the petitioner filed W.P.No.11821 of 2012 wherein this Court directed the petitioner therein to make fresh application. No counter is filed denying the averments made in the writ petition.

Having regard to the circumstances stated above, the writ petition is disposed of directing the second respondent to re-consider the request of the petitioner for grant of pattadar pass book and title deed, in accordance with law, in respect of land admeasuring Ac.0.66 cents in R.S.No.166/3 of Gunadala Village, Vijayawada Urban Mandal, Krishna District, if the same is still classified as agriculture land in the revenue records as on today, by treating the application made by the husband of the petitioner in the month of August, 1992 as a petition for issuance of pattadar pass book and title deed. No order as to costs.

Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

30.09.2015

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