

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos.8749 &13870 OF 2011

COMMON ORDER:

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Since the petitioner in both the cases is one and the same and as the issue involved in both the Writ Petitions is connected, they are disposed of by this common order.

Writ Petition No.8749 of 2011 is filed seeking to declare the inaction of the District Collector, Visakhapatnam in not considering and forwarding the application dated 19.05.2008, submitted under G.O.Ms.No.166, Revenue (Assn.POT) Department, dated 16.02.2008, to the Government of Andhra Pradesh, Rep. by its Secretary and the Government not considering the same regarding the land admeasuring 1988 Square yards in Survey No.174/2 of Pardesipalem Village, Chinakadiri Rural Mandal, Visakhapatnam District, as illegal and arbitrary and consequently direct the District Collector to forward the said application to the Government and further direct the Government to consider the said application within the time stipulated by this Court.

The material placed before the Court would show that earlier the petitioner filed W.P.No.2578 of 2005, questioning the inaction of the respondents therein in finalizing the request of the petitioner for assignment of the land admeasuring Ac.0.25 cents in Survey No.174/2 situated at Paradesipalem Village, Chinakadiri Rural Mandal, Visakhapatnam District, which is in possession of the petitioner, despite his representations dated 28.05.2004 and 03.02.2003 as illegal and arbitrary. By an order dated 15.02.2005, this Court disposed of the Writ Petition with a direction to the respondents therein to dispose of the representations made by the petitioner on 28.05.2004 and 03.02.2003 on merits as per the Rules in force, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of that order. It was further directed that both the parties shall maintain *status quo* as on that day till disposal of the said representations. It is stated that neither the representations made by the petitioner was considered nor there was any interference by the respondents in the land possessed by the petitioner till

date. Subsequently, the Government issued G.O.Ms.No.166, dated 16.02.2008 for regularization of the lands. Since the petitioner falls within the parameters laid down in the said G.O., he made a representation to the Collector on 19.05.2008, requesting for registration of the conveyance deed in his favour. The grievance of the petitioner is with regard to the inaction of the first respondent (District Collector) in forwarding the application dated 19.05.2008 to the second respondent-Government with regard to the land admeasuring 1988 Square Yards in Survey No.174/2 of Paradesipalem, Visakhapatnam Rural Mandal, Visakhapatnam District.

Learned Government Pleader submits that if the application made by the petitioner is still pending, the concerned may be directed to dispose of the same at the earliest.

Without going into merits of the case and having regard to the circumstances stated above, the request of the petitioner can be considered. Accordingly, this petition is disposed of by directing the first respondent (District Collector) to forward the said application to the second respondent (Government) at the earliest, preferably within a period of two (02) weeks from the date of receipt of a copy of this order and the second respondent shall consider the said application within eight (08) weeks from the date of receipt of the said application.

Writ Petition No.13870 of 2011 is filed seeking to declare the action of the Tahsildar, Visakhapatnam Rural Mandal, in attempting to demolish the structures raised the land admeasuring 1988 Square Yards in Survey No.174/2 of Pardesipalem Village, Chinakadiri Rural Mandal, Visakhapatnam District, without issuing any notice pending the application dated 19.05.2008 submitted under G.O.Ms.No.166, Revenue (Assn.POT) Department, dated 16.02.2008, to the District Collector and Government, as illegal and arbitrary and consequently direct the Tahsildar not to demolish the structures, pending finalization of the application of the petitioner under G.O.Ms.No.166.

The averments in the second Writ Petition would show that on 01.05.2011 at

11.00 a.m., the Tahsildar, without issuing any notice to the petitioner attempted to demolish the structures erected in the said land.

Having regard to the circumstances stated above and since the application made by the petitioner on 19.05.2008, is said to be still pending consideration before the District Collector, the second Writ Petition is disposed of by directing the Tahsildar, Visakhapatnam Rural Mandal, not to interfere with the property in question for a period of ten (10) weeks from today or till the disposal of the application dated 19.05.2008, made by the petitioner, whichever is earlier.

Accordingly, both the Writ Petitions are disposed of. No costs.

Consequently, Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29.07.2015

vhb