

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.25721 OF 2012

ORDER:

The present writ petition came to be filed seeking issuance of writ of *Mandamus* declaring the action of the respondents in not furnishing the documents requisitioned in the application of the petitioner dated 29.3.2012 under the Right to Information Act, 2005 (for short, "the Act") as illegal and arbitrary, and consequently, to direct the respondents to forthwith furnish the said documents or issue an endorsement.

2. The facts that lead to filing of the present writ petition are as under:

It is stated that the petitioner along with his sons and father filed W.P.No.4707 of 2008 before this Court questioning the interference of the respondents therein with the possession of the lands in Sy.Nos.2065/1, 2065/2, 2069/1, 2069/2, 2070/2, 2073/2, 2073/3, 2075/2B, 2075/1, 2075/1, 2078/1, 2079/1 and 2079/3 situated at Kotturu Village, Nellore Bit-I, Nellore District. On 5.3.2008, this Court admitted the writ petition and granted an interim order of *status quo*. Though the petitioner filed copies of the sale deeds, pattadar pass books in the said writ petition to show their title to the lands, the official respondents filed their counter on 10.3.2011 stating that land to an extent of Ac.375.00 cents covered by newly formed survey numbers 2063 to 2177 was assigned in the year 1915 at the first instance which was resumed by the Government in the year 1922 due to violation of the conditions of assignment. Again, it was reassigned in the year 1969. As the assignees/allottees have violated the conditions of the grant of assignment, the respondents initiated the proceedings in the year 1987 for resumption of the lands. It is stated that the lands purchased by the petitioner in the year 1967-68 are private patta lands and the so called assignments made in the year 1969 are after the lands purchased by the petitioner.

It is stated that immediately after filing the counter, the petitioner made an application before respondent No.4 on 29.3.2011 under the Act by paying necessary fees, requesting them to furnish the following documents:

1) Conversion orders to classify the land in Survey No.1902 into A.W. Dry Land, 2) Proceedings of the Splitting of Survey Numbers from 1902 to 2063 to 2177, 3) Documentary proof of Assignment Pattas granted to the landless persons in the year 1915 as per the policy of the Government relating to Survey Nos.2063 to 2177, 4) Resumption orders passed in the year 1922 for cancellation of previous assignment pattas granted in Survey No.2063 to 2177, 5) Proof of Assignment Pattas granted in the year 1969 for the Survey Nos.2063 to 2177 and 6) Resumption orders passed in the year 1987 for cancellation of Assignment Pattas granted in Survey Nos.2063 to 2177.

Since respondent No.4 failed to discharge his statutory obligation, the petitioner approached respondent Nos.2 and 3 by making representations on 28.6.2011. As there was no response, he made a representation to respondent No.1 on 16.9.2011. Till date, there is no response from him also. The inaction of the respondents lead to filing of the present writ petition.

3. No counter is filed by the respondents opposing the averments in the writ petition.

4. It is clear that the petitioner herein is only seeking copies of the documents which were referred to in the counter filed by the official respondents therein before this Court in W.P.No.4707 of 2008 so as to take a stand with regard to the subject land. On 21.8.2012, this Court directed respondent No.1, to inform the Court, the nature of steps taken by him on the representation made by the petitioner. Till date, there is no response from him also. This attitude on the part of all the respondents needs to be condemned. In the absence of any counter being filed by the respondents and having regard to the circumstances stated above, this Writ Petition is allowed directing all the respondents to furnish information as sought for by the petitioner in his application dated 29.3.2011 or issue an Endorsement within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

5. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 16.11.2015

AMD

-

-

THE HON’BLE SRI JUSTICE C.PRAVEEN KUMAR

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

W.P.No.25721 OF 2012

-

-

DATE: 16.11.2015

AMD