

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.24216 of 2012

ORDER:

-

-

This Writ Petition came to be filed questioning the inaction of the 3rd respondent in disposing of the claim petition made on 16.04.2012 in respect of the land to an extent of Ac.4.72 cents in survey No.220/2 of Daminedu Village, Tirupati, Chittoor District, as arbitrary and illegal and consequently, direct the 3rd respondent to dispose of the said claim petition forthwith along with the relative claim petitions pending before the 3rd respondent.

2. The facts in issue are as under:

Originally one A.K.Subramanyam was granted patta in the year 1967 in respect of land admeasuring Ac.4.72 cents in survey No.220/2 of Daminedu village and later he sold the said land to one Leelavathamma vide registered document No.891 of 1982. In the year 1983, the said Leelavathamma sold the said property to one B.Kanneppa Mudilar under a registered document No.1980, dated 02.04.1983 and his name was mutated in the revenue records. The said Kanneppa died leaving behind his wife and three sons as legal representatives. Since then the legal heirs of Kanneppa became the absolute owners of the property. While things stood thus, A.P.Lokayuktha, Hyderabad, vide proceedings, dated 19.03.2008, directed the District Collector, Chittoor to submit a report within three weeks on the lands of Daminedu village basing on an adverse news report published in the Andhra Jyothi Telugu newspaper. The A.P.Lokayuktha registered a *suo motu* complaint basing on the news item and imposed ban on registrations of the lands. Thereby, no sale transactions were held relating to the said lands. After a detailed enquiry the ban on registration of the subject lands was lifted. Thereafter, the petitioner herein made a claim petition before the 3rd respondent for grant of ryotwari patta. Questioning the inaction in not considering the said representation, the present writ petition came to

be filed.

3. A counter came to be filed stating that after examining the entire issue, a detailed endorsement was issued to the petitioner vide I.D.T.No.92/2012, dated 22.09.2015, which is as under:

“1. No claim petition said to be filed by the petitioner before the Inams Deputy Tahsildar, Chittoor is forthcoming in the records.

2. By filing W.P.No.24216 of 2012 by the petitioners, the then Inams Deputy Tahsildar, Chittoor has submitted instructions to the Govt., Pleader for Revenue at High Court informing that Survey No.220/2 is non existing in Daminedu village and S.No.212 is the last survey field in the village.

3. The petitioner has admitted that, patta was granted in the year 1967 for the subject land, and after sale transactions, mutations were carried by the revenue authorities. If it is fact, there is no necessity to file fresh claim petition for grant of patta once again and the petitioner has to place his application before the Tahsildar for mutation with supportive documents to prove his title over the claim land.

4. Daminedu village is an inam estate village, hence attracts the provisions of Estates Abolition Act, 1948, but not the provisions A.P.Inams Abolition Act, 1956. Therefore, the Inams Deputy Tahsildar has no jurisdiction to pass any order in the matter.

5. Since the subject land said to be comprised in S.No.220/2 is non existing in Daminedu village, and the village is an inam estate village attracts the provisions of the E.A. Act, 1948, there is no necessity to take up enquiry on the matter by the Inams Deputy Tahsildar, Chittoor for the subject land.

6. The village Daminedu located adjacent to Tirupati City and attained house site potentiality and no piece of land is being used for agriculture purposes and hence not notified as required u/s 2(5) of A.P. Rights in Land and Pattadar Pass Book Act, 1971. Hence no Pattadar Pass Books/Title Deeds are being issued to any lands holders in the village.

7. The petitioner himself has admitted that, he has applied for grant of ryotwari patta basing on an un-registered agreement from the vendors of the pattadar. Such documents could not be considered for issue of ryotwari pattas.”

4. A detailed order was passed rejecting the request of the petitioner and the same was communicated to him. It is to be noted that the subject matter of land in dispute, is not notified as required under Section 2 (5) of the Andhra Pradesh Rights in Land

and Pattaar Pass Books Act, 1971 and hence, no pattadar pass books/title deeds can be issued to any land holders in the village. Since Daminedu village is an Inam estate village, the provisions of Estates Abolition Act, 1948 are attracted and not the provisions of A.P.Inams Abolition Act, 1956. Therefore, the Inams Deputy Tahsildar, before whom the application is made by the petitioner, has no jurisdiction to pass any order. In view of the above, the request of the petitioner cannot be granted.

5. Accordingly, the Writ Petition dismissed, leaving it open to the petitioner to workout remedies in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

NOVEMBER 18, 2015

YVL