

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.15424 of 2004

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue, for respondents 1 and 2.

The petitioner's husband's father, one K.Gurraiah, inherited the ancestral property in an extent of Acs.2.15 cents in survey No.117 of Papireddipalli Village, in B.Mattam Mandal of Kadapa District, through family settlement. After his death, the petitioner's husband inherited the same as one of the co-sons of said Gurraiah. The husband of the petitioner is the second son, whereas the first son took away his share and living separately. Third and fourth sons died unmarried. The petitioner's husband also died 25 years prior to the filing of the writ petition, and hence, the petitioner has been in enjoyment of the property. She was granted pattadar pass books and title deeds under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') during the year 1995-96. She took loan on the land and has been cultivating the same. While so, the 1st respondent issued a notice, on 22.01.2002, to appear before him basing on the report submitted by the 2nd respondent on the ground that the 3rd respondent applied for cancellation of pattadar pass books and title deeds in favour of the petitioner in respect of the land in an extent of Acs.2.15 cents in survey No.117 of Papireddipalli Village in B.Mattam Mandal of Kadapa District. Pursuant to the said notice, the son of the petitioner attended the enquiry on 11.02.2002. After two and half years, the 1st respondent passed an order on 09.08.2004 cancelling the pattadar pass books and title deeds issued in favour of the petitioner and remanding the case to the 2nd respondent for

conducting de novo enquiry under the provisions of the Act.

No counter-affidavit is filed either by the
3rd respondent or by respondents 1 and 2, even after 10 years.

Noticing lack of authority on the part of the
1st respondent to entertain the petition of the
3rd respondent, this Court granted interim suspension by order,
dated 30.08.2004 and the said order has been in operation till today.

In view of the above facts, the order, dated 09.08.2004,
passed by the 1st respondent is set aside and it is open to the 3rd
respondent to agitate his rights before the proper authority.

The writ petition is accordingly allowed. The miscellaneous
petitions pending, if any, shall stand closed. There shall be no order
as to costs.

(A.RAMALINGESWARA RAO, J)

16.02.2015

GJ