

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.24062 OF 2015

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Between:

Gadiyaram Kantha Rao

.. Petitioner

And

The State of Andhra Pradesh, rep., by
its Principal Secretary, Department of Revenue,
Secretariat Buildings, Hyderabad and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 10.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.24062 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

The petitioner seeks deletion of the classification of the land admeasuring Acs.7.53 cents in Survey No.195 of Kosinepalli Village, Muddanuru Mandal, Kadapa District. The petitioner had earlier approached this Court challenging the classification in W.P.No.352 of 2015, which was disposed of by this Court by order, dated 23.01.2015, directing the Tahsildar, Muddanuru Mandal, Kadapa District, the 3rd respondent, to consider the petitioner's representation, dated 06.09.2014, and pass appropriate orders. In pursuance of the said direction, the 3rd respondent has passed the impugned order, dated 16.02.2015, rejecting the petitioner's representation. The same is questioned in this Writ Petition.

I, however, find that the inclusion of the said land as Government land is in view of the Government Memo No.21307/Assn-I (1)/2012-2, dated 09.05.2012. In view of the same, the petitioner's case could not be considered by the 3rd respondent.

It is evident from the above that the order of this Court, referred to above, was complied with by the 3rd respondent and he has passed an appropriate order, as directed. However, the petitioner's grievance

is that the very classification of the said land is erroneous, as the said land is stated to be erstwhile land of the petitioner and recorded as patta land from the times immemorial. He relies upon the sale deed, dated 21.09.1966, and subsequent revenue pahanies and if the land continued to be private patta land by virtue of inheritance as claimed by the petitioner, it is for the petitioner to make appropriate representation before the District Collector, who shall examine the same with reference to the revenue records and take appropriate decision in the matter. The 3rd respondent has merely acted upon the directions issued by this Court and whether the land claimed by the petitioner was patta land from the inception and whether it is a DKT land are the matters, which can easily be examined by the District Collector. However, interference with the order passed by the 3rd respondent is not warranted in this Writ Petition. The petitioner, however, is at liberty to make appropriate representation before the District Collector and as and when such representation is made, the District Collector shall examine the same by calling for records and take appropriate decision in the matter and communicate the same to the petitioner.

Subject to the above, the Writ Petition is disposed of. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

10.08.2015

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