

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.6749 of 2007

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the inaction of the respondents 2 and 3 in giving the dry land of Acs.3.42 cents in survey No.269 situated at Chipili Village, Ankisettipalli Village Panchayat, Madanapalle Mandal, Chittoor District, by way of sale in favour of the petitioner as per the orders of the second respondent in his proceedings in Rc.No.B2/4918/03, dated .10.2004, as illegal and arbitrary, and consequently direct the respondents to transfer the subject land to the petitioner.

The learned counsel for the petitioner submits that the petitioner and his forefathers have been cultivating the subject land for the last six decades. He further submits that the petitioner has made applications in 2003 to the then Assistant Commissioner of Endowments for sale of the subject land to the petitioner as he is landless poor person, and that the then Assistant Commissioner recommended the case of the petitioner and declared that the petitioner is a landless poor tenant for the said land.

Per Contra, learned Assistant Government Pleader for Endowments submits that there is no representation from the petitioner and that the alleged proceedings of the then Assistant Commissioner of Endowments are not available in the records, and as such, prayed for dismissal of the writ petition.

In view of the above rival submissions and also considering the facts and circumstances of the case, the petitioner is directed to give representation to the competent authority afresh along with all the material papers including the alleged recommendation of the then Assistant Commissioner of Endowments, since the same is disputed by the Assistant Government Pleader, and on such representation, the second respondent is directed to pass appropriate orders. It is made clear that till the disposal of the representation by the second respondent, the tenants of the subject land shall not be disturbed.

With the above observations, the writ petition is disposed of. No costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

02.04.2015

pln