

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.1938 of 2014

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DATE: 30.01.2015

Between:

Smt. Chennupati Laxmi Narsamma

...Petitioner

and

Sri P.Ramakrishna

...Respondent

COUNSEL FOR THE PETITIONER : SRI A.DATTANAND

COUNSEL FOR THE RESPONDENT : GOVERNMENT PLEADER FOR REVENUE (TS)

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CONTEMPT CASE No.1938 of 2014

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ORDER:

This Contempt Case is filed alleging willful disobedience of order, dated 02.01.2014 passed in Writ Petition No.39342 of 2013.

Heard the learned counsel for the parties and perused the record.

Petitioner herein has filed the above-mentioned Writ Petition for a mandamus to declare the inaction of the respondent herein in considering her representations, dated 22.07.2010, 11.10.2013 and 16.12.2013 for issuance of pattadar pass book and title deed in respect of land admeasuring Ac.0.18 guntas in Survey No.302 of Tammarabandapalem Village, Kodad Mandal, Nalgonda District as illegal and arbitrary.

This Court has disposed of the said Writ Petition with an observation that as the petitioner has not filed the application in prescribed pro forma i.e. Form VI-A under Rule 18(3) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, she is permitted to make such application and with a direction to the respondent to hold enquiry, take a decision and communicate the same to the petitioner within two months of making such application. Alleging that this order has not been complied with, the present Contempt Case is filed.

Respondent has filed a counter-affidavit, in which, he has averred that the application filed by the petitioner under Section 4 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') on 03.01.2014 was taken on file; that notices were issued calling for objections from the interested persons as required under Section 5(3) of the Act and that in the meantime, the entire revenue staff became busy with the elections to the

Municipalities, Gram Panchayats, Mandal Parishads, Zilla Parishads and General Elections to Legislative Assembly and Parliament. The respondent has further averred that he was transferred to Mahabubnagar District and relieved on 12.02.2014 and that after holding General Elections of 2014, he was re-posted as Tahsilar, Kodad and has joined duty on 12.06.2014. He has explained the delay in passing the order by referring to his participation in several programs introduced by the Government of Telangana State. The respondent has further averred that in response to the enquiry notice, the petitioner and her two daughters have attended the enquiry and requested for mutation of the land; that as succession is not disputed, he has passed order on 27.12.2014 granting mutation in favour of the petitioner; that as his enquiries revealed that the petitioner is not in possession of the land, pattadar pass book and title deed are not issued and that they will be issued as and when the petitioner recovers possession. The respondent has filed a copy of proceedings No.B/5858/2012, dated 27.12.2014, whereunder he has granted mutation in favour of the petitioner and while declining to issue pattadar pass book and title deed, he has observed that the same shall be issued after recovery of physical possession by the petitioner.

Learned counsel for the petitioner has submitted that his client is in possession of the property and that the respondent has committed error in denying pattadar pass book and title deed on the purported ground that his client is not in possession.

The scope of the order passed in the Writ Petition is confined to holding of enquiry and passing appropriate order on the application that may be filed by the petitioner for mutation and issuance of pattadar pass book and title deed. In the absence of any positive direction for issuance of pattadar pass book and title deed to the petitioner, non-issuance of the said documents will not constitute contempt. The only direction that has been violated by the respondent is his failure to pass

the order within the stipulated time. The respondent has however explained the delay by assigning convincing reasons. If the petitioner feels aggrieved by non issuance of pattadar pass book and title deed, she is entitled to avail appropriate remedy in respect thereof.

As the respondent has complied with the order by passing the order albeit belatedly, for which, satisfactory explanation has been furnished by him, the Contempt Case is closed with liberty to the petitioner to seek redressal of her grievance with regard to non-issuance of pattadar pass book and title deed by the respondent.

C.V.NAGARJUNA REDDY, J

30th JANUARY, 2015.

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