

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

WRIT PETITION No. 20185 OF 2011

Between:

Pongali Subbaraja Reddy

.. Petitioner

and

The Government of Andhra Pradesh, rep. by
its Secretary, Department of Revenue, Hyderabad
and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 20185 of 2011

ORDER:

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Heard learned counsel for the petitioner, learned Government Pleader for Revenue and learned Government Pleader for Assignment.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 5th respondent in trying to dispossess the petitioner from the land admeasuring Acs.10.54 cents in Survey Nos.390-10, 391-1 & 2, 392-2,3,4,6 to 14, 393-1,5,6,12 to 14, 398-14, 398-1,2,6,11 and 12, 400-1,2,3,4,5,6,7,8,10 to 15, 401-1,2,3,4,5 and 6, 398-1(p), 401-7(p) and 458(p) situated at Tiruchanur Village, Chittoor District, as illegal and arbitrary.

The averments made in the affidavit filed in support of the writ petition would show that the petitioner is the absolute owner and possessor of the above mentioned land, having been granted ryotwari patta No.794/80 by the 4th respondent herein on 21.12.1980 after conducting an enquiry, and since then, he is in possession and enjoyment of the said land. Aggrieved by the grant of patta in favour of the petitioner, the 3rd respondent preferred a revision vide R.P.No.369/1981 before the 2nd respondent. By his order dated 17.02.1988, the 2nd respondent disposed of the revision by remanding the matter to the 4th

respondent for a de nova enquiry. It is stated that pursuant to the order passed by the 2nd respondent, the 4th respondent issued a notice dated 08.03.1988 calling upon the petitioner to appear before him on 28.03.1988 for enquiry, but no enquiry was conducted on that day. While things stood thus, the 5th respondent is said to have taken steps for granting house site pattas in respect of the land of the petitioner, on the basis of a representation made by the persons belonging to Scheduled Caste, and in that process, on 16.07.2011 he is said to have started measuring the land of the petitioner and tried to divide the same into house plots by fixing stones. It is stated that when the petitioner objected to the same, the 5th respondent is said to have warned to dispossess him from the land with police force. Hence, the writ petition.

A counter came to be filed by the 5th respondent denying the averments made in the writ petition. It is stated that Tiruchanur is a minor Inam Village, and hence, the provisions of the A.P. Inams (Abolition & Conversion into Ryotwari) Act, 1956 (for short 'the Act') would attract to the said village. As a major portion of the lands mentioned in the affidavit are classified as Inam lands, the petitioner has a right to claim before the Inams Deputy Tahsildar, Collector's Office, Chittoor along with documentary evidence for grant of ryotwaripattas. It is also stated that in so far as some of the lands mentioned in the affidavit are concerned, the Inams Deputy Tahsildar granted ryotwari pattas to some individuals whose names have been incorporated in the Village accounts. If the petitioner is aggrieved over by the same, he has a right of appeal before the

Revenue Divisional Officer, Tirupati. It is also stated that some of the lands are classified as Government lands and no individual can claim ryotwari patta for those lands as the then Inams Deputy Tahsildar brought those lands under Section 2-A of the Act. It is contended that without availing the remedies available under law, the petitioner filed the present writ petition.

It is to be noted that in the counter, no where it is referred to the pendency of the matter before the 4th respondent for a de nova enquiry. Learned counsel for the petitioner vehemently submits that the notice dated 08.03.1988 issued by the 4th respondent amply establishes the pendency of the matter before the 4th respondent and that till date no enquiry is conducted.

Having regard to the circumstances stated above and without going into the merits of the case, the 4th respondent is directed to conduct enquiry into the matter and pass orders, in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of the order, if the enquiry is still pending.

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

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12th August, 2015
cbs

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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