

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.10326 of 2004

Between:

Kidambi Venkata Ramana

PETITIONER

AND

1. The Government of A.P., rep. by its Secretary, Revenue Department,
Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

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

The case of the petitioner is that petitioner's great grandfather had five sons, viz., 1) Kidambi Thirumala Charyulu @ Ramanuja Charyulu; 2) Kidambi Ranga Charyulu; 3) Kidambi Gopala Krishnama Charyulu; 4) Kidambi Vedadri Buchi Lakshminarasimha Charyulu and 5) Kidambi Radhakrishnama Charyulu. The

petitioner's father is the son of Gopala Krishnama Charyulu. The petitioner has been looking after the lands belonging to the family. The son Thirumala Charyulu had no issues. The father of the petitioner was a tenant of Ac.100.00 cents of land. Out of the said land the lands at Ananthavarappadu Agraharam Village of Vatticherukur Mandal are Inam lands. The father of the petitioner became entitled to 2/3rd share being tenant as the said lands were declared to be Inam lands under the provisions of Inams Abolition Act. After the advent of Land Ceiling Act, the father of the petitioner filed a declaration vide C.C.No.1329/75/GNT and an order was passed in the said declaration, and in an appeal in LRA.No.205/78 dated 26.10.1978 they were declared to be non-surplus holders. Similarly Thirumala Charyulu also filed a declaration vide C.C.No.618/75/GNT indicating therein that the father of the petitioner was a tenant. The said Tirumala Charyulu passed away in the year 1976 before finalisation of his declaration.

The petitioner earlier filed W.P.No.23178 of 2003 and the same was disposed of directing the District Collector to consider his representation dated 14.05.2003. Against the said order, the petitioner preferred W.A.No.98 of 2004 and the same was disposed of directing the Revenue Divisional Officer to enquire into the matter and till a decision is taken the Mandal Revenue Officer was directed to maintain status quo with regard to the land in Sy.No.s1188, 1189, 1143, 1241 and 1242 of Guntur Rural Village. The petitioner filed an application under Rule 16 (vii) of A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1974 on 8.03.2004 seeking exclusion of land belonging to Thirumala Charyulu from the purview of the declaration and no action was taken by the 3rd respondent. When attempts were made to take possession of the said land, the present writ petition was filed seeking a direction to the 3rd respondent to pass orders on the petition filed by the petitioner on 8.03.2004 under Rule 16(vii) of the Land reforms Act.

Even after 10 years, the respondents have not chosen to file any counter affidavit, but on the basis of the written instructions, the learned Government Pleader for Revenue submits that the declaration filed by Thirumala Charyulu in C.C.No.618 & 1952/GNT/75 were finalised and orders were passed on 13.07.1992 declaring an extent of Ac.177.21 cents is in excess of standard holding. Against the said order some third parties filed appeals before the Land Reforms Appellate Tribunal, Eluru claiming that they are the tenants of some lands and the LRAT by order dated

6.05.1997 remanded the matter to the Revenue Divisional Officer for passing fresh orders. After the Revenue Divisional Officer-cum-Land Reforms Tribunal, Guntur passed order on 02.09.2003, declaring that there are no legal heirs to Sri Kidambi Thirumala Charyulu and the claim of the tenants was rejected as they did not establish that they are the tenants. Aggrieved by the same, Sri Kidambi Venkata Seshatalpa Sai filed appeal No.9 of 2004 before the Land Reforms Appellate Tribunal, Eluru, and the same is still pending.

It is apparent from the above instructions submitted by the Collector & District Magistrate, Guntur, to the learned Government Pleader for Revenue that orders were passed on the declaration filed by Sri Kidambi Thirumala Charyulu but not on the petition filed by the petitioner before the 3rd respondent.

This Court is not inclined to express any view on the merits of the claim of the petitioner.

In the circumstances, the 3rd respondent is directed to consider the petition filed by the petitioner on 8.03.2004 under Rule 16 (vii) of the A.P. Land Reforms Act, 1973 and pass appropriate orders thereon after issuing notice to the petitioner within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

A. RAMALINGESWARA RAO, J.

27th March, 2015

Js.