

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 32292 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents 1 to 3. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 1 to 3 in trying to evict the petitioner from the land admeasuring Acs.3.00 in Survey No.249/21 (corresponding to previous Survey No.249/1) situated at Jankapur Village, Asifabad Mandal, Adilabad District and consequently to declare the panchnama dated 28.07.2011 conducted by the 3rd respondent, as illegal and arbitrary.

A counter came to be filed by the 2nd respondent denying the averments made in the writ petition. It is stated that as per Supplementary Sethwar of Jankapur village for the year 2002 issued by the Assistant Director, Survey & Land Records, Adilabad, land to an extent of Acs.3.00 in Survey No.249/21 (corresponding to new Survey No.249/5), which is a patta land, stood in the name of one Shaik Rasool and now the said land is in possession of his three sons, whereas Patta No.274 has been issued in the name of the father of the petitioner for the same property in the year 2002. It is also stated that according to the village Revenue Records, the land in Survey No.249/1 is a Government land and as per the sethwar of Jankapur Village, the land was earmarked for house sites and hence the land was taken into Government custody on 28.07.2011 after conducting a panchnama. In view of the above, it is stated that the petitioner can approach the 2nd respondent claiming title over Survey No.249/21 as

per the pattadar passbook available with him, but not over Survey No.249/1. The statements of village elders recorded by the then Tahsildar on 12.02.2008 would reveal that neither the petitioner nor his father was in possession of the land in Survey No.249/1, but the father of the 4th respondent was reported to be in possession of the same for the last several years. It is stated that a civil dispute is pending between the petitioner and the 4th respondent in C.M.A.No.13 of 2009 on the file of the Senior Civil Judge at Asifabad in respect of the land in Survey No.249/1. In view of the above, it is contended that till disposal of C.M.A.No.13 of 2009, no action will be taken to allot the land in Survey No.249/1.

After the 2nd respondent filed counter, the petitioner filed W.P.M.P.No.5835 of 2014 seeking amendment of the main prayer in the writ petition by modifying the Survey No.249/21 as 249/1 which was allowed on 02.06.2014. In view of the averments made in the counter, the petitioner is said to have made a representation dated 02.01.2014 to the 2nd respondent seeking clarification in the matter and issuance of necessary documents to that effect. The said application is said to be still pending consideration.

In view of the above, the learned counsel for the petitioner submits that a direction may be given to the 2nd respondent to dispose of the representation of the petitioner dated 02.01.2014, at the earliest. The learned Government Pleader for Revenue submits that he has no objection for the same, if it is still pending.

Having regard to the circumstances stated above, the Writ Petition is disposed of, directing the 2nd respondent to consider and dispose of the representation of the petitioner dated 02.01.2014, if it is made and pending consideration, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of the order.

There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

24th August, 2015
cbs

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