

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

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 24601 of 2004

Date: 27.01.2015

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Between:

M. Polaiah

... Petitioner

And

The District Collector, Chittoor,
& another.

... Respondents

This Court made the following:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 24601 of 2004

ORDER:

The petitioner in this case seeks implementation of the order dated 30.04.1982 passed by the Settlement Officer, Nellore, granting him a ryotwari patta under the provisions of Section 11(a) of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948, in respect of the land admeasuring Ac.27.35 cents in Sy.No.42-2 of Tanigallu Village, B.N. Kandriga Mandal, Chittoor District.

No counter affidavit has been filed by the respondents till date though the matter has been pending on the file of this Court for over a decade.

The averments in the writ affidavit disclose that the case has a long and chequered history. The petitioner claimed possession over the subject land through his predecessors-in-title dating back to the year 1945. He was granted a ryotwari patta initially by the order dated 02.04.1970 passed by the Settlement Officer, Nellore. However, upon the revision petition filed by the District Collector, Chittoor, the Director of Settlements, Andhra Pradesh, set aside the same and remitted the matter to the Settlement Officer, Nellore, for enquiry afresh. Upon such remand, the Settlement Officer, Nellore, rejected the petitioner's claim by his order dated 10.06.1974. Aggrieved thereby, the petitioner filed a revision before the Director of Settlements, Hyderabad, which culminated in the matter being remanded to the Settlement Officer, Nellore, again. This remand was embodied in the order dated 04.12.1975

passed by the Director of Settlements, Andhra Pradesh. Pursuant to the second remand, the Settlement Officer, Nellore, accepted the claim of the petitioner and granted him a ryotwari patta under his order dated 30.04.1982. This order was again subjected to revision by the District Collector, Chittoor, before the Director of Settlements, Andhra Pradesh, and the same was dismissed on 16.04.2000. It appears that the matter was not carried further by way of a second revision and therefore, issuance of the ryotwari patta under the Settlement Officer's order dated 30.04.1982 attained finality. Despite the representations made by the petitioner seeking implementation of the said order, no action was taken by the authorities leading to the filing of this writ petition.

As no counter affidavit has been filed rebutting the writ averments, this Court is inclined to accept that the order dated 30.04.1982 passed by the Settlement Officer, Nellore, has attained finality. If that be so, the respondents have no excuse in law to ignore or fail to implement the same.

The writ petition is accordingly allowed directing the respondents to give effect to the order dated 30.04.1982 passed by the Settlement Officer, Nellore, whereby the petitioner was granted a ryotwari patta in respect of the land admeasuring Ac.27.35 cents in Sy.No.42-2 of Tanigallu Village, B.N. Kandriga Mandal, Chittoor District, in accordance with law. This exercise shall be completed expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 27.01.2015
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