

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos. 14540 and 15226 of 2011

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COMMON ORDER:

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Since the subject matter of dispute in both the writ petitions is one and same, with the consent of the parties, both the writ petitions are heard together and disposed of at the admission stage itself by this common order.

The petitioner claims to be the owner and possessor of agricultural land to an extent of Acs.3.48 cents in Survey No.172/2 situated at Kottapally Village, Thandur Mandal, Adilabad District, having purchased the same from its original owner by name Mukta Satyanarayana. Since the date of purchase, she claims to be in possession and enjoyment of the same. It is stated that the name of the petitioner was mutated in the revenue records vide proceedings dated 30.01.2009 in accordance with the provisions of the A.P. Records of Right and Pattadar Passbooks Act, 1971 and consequently pattadar passbooks and title deeds were issued in her name vide Patta No.167. It is averred that at the instance of some of the villagers, the Tahsildar, Thandur Mandal, tried to dispossess the petitioner from the land without following the due process of law. Questioning the action of the Tahsildar, Thandur Mandal, in trying to dispossess, the petitioner filed W.P.No.14540 of 2011. When the said writ petition came up for admission, it was brought to the notice of the Court that the Tahsildar, Thandur Mandal, issued proceedings Rc.No.A/556/2011 dated 19.05.2011 recommending to the Revenue Divisional Officer, Asifabad, to cancel the orders passed by the then Tahsildar, Thandur Mandal, through Form-13B and 13-C under ROR Act, so as to enable him to resume the land to Government. Challenging the said proceedings, W.P.No.15226 of 2011 came to be filed.

A counter came to be filed by the Tahsildar, Thandur Mandal, stating that on verification of pahani for the year 1982-83, land admeasuring Acs.6.88 cents in Survey No.172 pertains to K.K. Government land, out of which, an extent of Acs.3.48 cents was assigned to one Mukta Satyanarayana and an extent of Acs.3.40 cents was assigned to one Mohd. Hussain. It is also stated that the case actually falls

under the provisions of A. P. Assigned Lands (POT) Act and the transaction in respect of land admeasuring Acs.3.48 cents in Survey No.172/2 cannot be regularized under ROR Act overriding the POT Act. Hence, it is said that the issuance of Forms-13B and 13-C issued on 30.01.2009 and 10.01.2009 respectively and pattadar passbooks and title deeds by the then Tahsildar, Thandur Mandal, are irregular and liable for cancellation. It is also stated that the revenue authorities never interfered with the possession of the petitioner over the land and as per the procedure, the cancellation proposals have been submitted to the, vide Rc.No.A/556/2011 dated 19.05.2011.

By an order dated 08.06.2011, this Court, while issuing notice before admission returnable in eight weeks, directed the Tahsildar to proceed further and finalise the enquiry with regard to the notice issued by him to the petitioner in terms of Section 4(b)(1) of A.P. Assigned Land (POT) Act, 2008. However, the request made by the Tahsildar to cancel the title deed and pattadar passbook issued in favour of the petitioner on 30.01.2009 was stayed. This Court also directed that till enquiry is completed by the Tahsildar, the petitioner may not be evicted.

The learned counsel for the petitioner submits that he has filed number of documents along with his representation to the notice issued under Section 4(b)(1) of the A.P.Assigned Land (POT) Act, 2008 explaining the circumstances of his entitlement to the land and that the same is still pending consideration. In view of the above, it is contended that a direction may be given to the Tahsildar to pass appropriate orders on the representation, at the earliest. The Government Pleader for revenue submits that such a direction may be given, provided the enquiry is still pending consideration.

Having regard to the circumstances stated above and without going into the merits of the case, both the Writ Petitions are disposed of, directing the Tahsildar, Thandur Mandal, to finalize the enquiry, if it is still pending consideration, initiated pursuant to the notice issued under Section 4(b)(1) of the A.P.Assigned Land (POT) Act, 2008, after taking into consideration the representation and the documents filed by the petitioner, in accordance with law, within two (2) months from the date of

receipt of a copy of the order. Till such time, no steps shall be taken for cancellation of pattadar passbooks and title deeds issued in favour of the petitioner. It is needless to mention that till the disposal of the proceedings under Section 4(b)(1), no coercive steps with regard to dispossession, shall be undertaken, if the petitioner is in possession of the land. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

5th October, 2015

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