

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.29 of 2002

Date: 13-10-2015

Between:

S.K. Raghavachari and another

.. Petitioners

AND

The Government of Andhra Pradesh, represented
by its Principal Secretary, Revenue Department,
Secretariat, Hyderabad and 3 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.29 of 2002

ORDER:

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Challenging the proceedings in Roc.No.399/92, dated 20-11-2001 issued by the 3rd respondent as well as the proceedings in Roc.No.399/2001, dated 24-11-2001 issued by the 3rd respondent, the present writ petition has been filed.

2. The case of the petitioners is that the petitioner and his ancestors are the owners and possessors of various properties situated in R.S.Nos.22, 25, 27/2, 28, 43, 44 and 55 of Dontavaram village, Unguturu Mandal, West Godavari District and these lands are not poramboke lands as per G.O. in Roc.No.B3/3774/39, dated 23-03-1940. It is stated that when some persons tried to interfere with the property, the petitioner filed a suit in O.S.No.9 of 1992 on the file of Subordinate Judge, Tadepalligudem seeking declaration that he was the owner of the said lands and the said suit was decreed on 25-07-1996. In pursuance of the said decree, the

petitioner made a representation on 20-03-1997 seeking rectification of the revenue records and for issuance of passbooks. As no action was taken by the respondents, the petitioner filed W.P.No.12780 of 1998 and the same was disposed of directing the respondents to take appropriate decision on the application filed by the petitioner on 20-03-1997 in accordance with law within a period of eight weeks from the date of receipt of the order. It is further stated that as no action has been taken for mutating the name of the petitioner, the present writ petition is filed.

3. The 3rd respondent filed counter stating that the petitioner is not owner and possessor of various lands situated in R.S.Nos.22, 25, 27/2, 28, 43, 44 and 55 of Dontavaram village, Unguturu Mandal, West Godavari District and the said lands are classified as Government Poramboke lands in the village register i.e. RSR and Adangals etc. The 3rd respondent denied the issuance of G.O. in Roc.No.B3/3774/39, dated 23-03-1940 and that it is not possible to issue pattadar pass books for the lands, as the said lands are classified as Government lands as per the revenue records.

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

5. The petitioner herein claims mutation in respect of lands in R.S.Nos.22, 25, 27/2, 28, 43, 44 and 55 of Dontavaram village, Unguturu Mandal, West Godavari District basing on the decree and judgment dated 25-07-1996 in O.S.No.9 of 1992, which is subject matter of A.S.No.276 of 2008 and the said appeal is allowed and the decree and judgment in O.s.No.9 of 1992 are set aside. Hence, the petitioner has no right to seek issuance of pattadar pass books in respect of the lands mentioned in the

above R.S. number and he has not filed any document to show that he has ownership rights over the said property.

In view of the findings given in A.S.No.276 of 2008, the impugned order cannot be said to be illegal and erroneous and that no relief can be granted to the writ petitioner, and accordingly, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 13-10-2015

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