

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

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WRIT PETITION No.22172 OF 2015

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Between:

Challa Uttodu .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
A.P. Secretariat, Hyderabad and others .. Respondents

DATE OF JUDGMENT PRONOUNCED: 04.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.22172 OF 2015

ORDER:

I have heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 5 as well as learned Standing Counsel appearing for the 6th respondent – Temple.

The petitioner claims to be owner of Ac.0.53 cents in Patta No.694. He states that earlier he was holding Ac.0.42 cents and thereafter, he purchased Ac.0.11 cents and his name is recorded in the revenue records. He intended to sell the said land to a purchaser and presented the sale deed for registration, which was given P.No.1238 of 2013 by the Sub Registrar, Bheemunipatnam Mandal, Visakhapatnam District, the 5th respondent. Since there was doubt entertained by the 5th respondent as to whether the said land is in the prohibited list, on the request of the petitioner, the Revenue Divisional Officer, Visakhapatnam, was requested to conduct enquiry with regard to Survey No.214/29 in which the petitioner claims title to his land. The Revenue Divisional Officer appears to have called for a detailed report from the Tahsildar, Anandapuram Mandal, the 3rd respondent, and the 3rd respondent submitted his report vide proceedings in R.C.No.51/2014/B, dated 01.02.2014, confirming that the petitioner holds patta to the extent of Ac.0.42 cents in Patta No.694 by giving details of all other patta holders of different extents. While no orders appear to have been passed by the Revenue Divisional Officer after

receipt of the said report, the petitioner applied for 'No Objection Certificate' to the 6th respondent - Temple. However, the 6th respondent also claims land admeasuring Ac.1.58 cents in the same survey number and refused to give NOC under proceedings in Rc.No.A.P.S.D/6144/2007, dated 31.05.2015. The petitioner states that since 2013 his document is pending for registration.

In my view, the issue can be redressed by the Revenue Divisional Officer by considering the report of the 3rd respondent, referred to above, and taking appropriate decision in the matter after notice to the 6th respondent. Since the petitioner's document is pending registration since 2013, the same cannot be kept pending indefinitely. The Revenue Divisional Officer shall take expeditious steps, fix a date of hearing the petitioner and the 6th respondent and after considering the report of the 3rd respondent, pass appropriate orders in terms of his proceedings, dated 01.02.2014, referred to above. The Revenue Divisional Officer shall complete the aforesaid exercise within a period of two months from the date of receipt of a copy of this order.

Subject to the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

04.08.2015

Note:- 1) Registry to mark a copy of this order to the Revenue Divisional Officer, Visakhapatnam.

2) Furnish C.C. of the order within one week.

(B/o)
KH

