

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.32428 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 5.

2. With the consent of both parties, the Writ Petition itself is disposed of at the admission stage.

3. This Writ Petition is filed seeking issuance of mandamus declaring the action of the respondents in not taking any steps for demarcation of petitioner land to an extent of Ac.32.0 in survey No.1 situated at Mangalam Village of Chandragiri Taluk and Mandal, Chittoor District, in spite of repeated representations, as arbitrary and illegal.

4. Petitioner, who claims to be the owner of aforementioned land, filed a petition under Section 11 (a) of the Andhra Pradesh (A.A) Estate Abolition Act, 1948 before the 2nd respondent seeking issuance of ryotwari patta on the ground the subject land is in his possession and enjoyment for the last 25 years and he has been paying land revenue to the Government. As per the direction of 2nd respondent, the 5th respondent inspected the subject land on 10.04.1973 and filed a report stating that the villagers gave no objection to issue ryotwari patta in favour of the petitioner. Pursuant to the said report, the 2nd respondent, vide his proceedings, dated 15.05.1973, granted ryotwari patta in favour of the petitioner. The order of the 2nd respondent has become final, as no appeal has been filed against the said order. While things stood thus on 19.05.2008 the petitioner made a representation to the 1st respondent requesting him to direct the concerned officials to demarcate the subject land and issue pattadar pass book. Though the said representation was acknowledged by the 1st respondent on the same day, no action has been taken till

now. Challenging inaction of the respondents, the present writ petition is filed.

5. The 5th respondent filed his counter stating that there is no post of Additional Assistant Settlement Officer in Nellore and the order, which has been placed before this Court is vague. He further contended that the subject land is situated in S.No.1 of Mangalam, which is classified as un-assessed waste as per the village accounts and no ryotwari patta was granted in favour of the petitioner. The documents, which are produced are fake and created for the purpose of this case and hence, prayed to dismiss the writ petition.

6. A perusal of the record shows that on 15.05.1973, the Additional Assistant Settlement Officer, Nellore, Nellore District passed an order in favour of the petitioner holding that the subject land, which is subject matter of dispute in the writ petition, is a patta land and the petitioner is owner of the said land. But the said order is disputed by learned counsel for the respondents. Apart from that, pursuant to a representation, dated 19.05.2008, made to the Chief Commissioner, Land Administration, Hyderabad seeking demarcation and survey of subject land, the 1st respondent by his proceedings CCLA's Lr.No.P5/484/2008, dated 20.05.2008, directed the District Collector, Chittoor to enquire into the contents of the representation and take necessary action. In view of the above, the request of the petitioner seeking a direction to consider his representation in accordance with law, can be accepted.

7. Having regard to the facts and circumstances of case and without going into merits of the case, the Writ Petition is disposed of directing the 3rd respondent- District Collector, Chittoor District to pass appropriate orders on the representation, dated 19.05.2008, of the petitioner, in accordance with law, within twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

NOVEMBER 07, 2015

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