

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 15568 of 2011

ORDER:

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With the consent of both the parties, the main writ petition is disposed of at the admission stage.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

The present writ petition is filed seeking issuance of a writ of mandamus declaring the action of the respondents in not considering the proposal of the petitioner sent by way of a legal notice dated 14.06.2010 to allow him to cultivate the land admeasuring Ac.1.01 cents in Sy.No.240/1, Ac.3.99 cents in Sy.No.246/1 and 246/2, Ac.0.10 cents in Sy.No.245/P and Ac.0.29 cents in Sy.No.241/P situated at Gangavaram Village, Kovvur Mandal, S.P.S.R. Nellore District, on payment of reasonable amount as maktha or otherwise to be fixed by the respondents, as illegal, improper and contrary to the policy decision of the government; and consequently direct the respondents to consider the proposal of the petitioner.

The averments in the affidavit filed in support of the writ petition are as under:

The rights and possession of the lands to an extent of Ac.1.01 cents in Sy.No.240/1, Ac.3.99 cents in Sy.No.246/1 and 246/2, Ac.0.10 cents in Sy.No.245/P and Ac.0.29 cents in Sy.No.241/P situated at Gangavaram Village, Kovvur Mandal, S.P.S.R. Nellore District, were in dispute since 60 years. It is stated that the ancestors of the petitioner used to cultivate those lands for decades together, but later on due to objection raised by some of the villagers, the cultivation was stopped.

Subsequently, it was converted into an ordinary land and pattas were issued basing on the possession of the respective possessors of the said lands. Consequently, the matter went to the Settlement Officer for adjudication. On several occasions the Settlement Officer gave verdicts and the parties, who were claiming rights over the said land, being not satisfied with the said orders, approached the Commissioner and Director of Settlements, who in turn after going through the file, remanded the matter to the settlement officer for fresh adjudication. On 27.03.2010 the third respondent passed an order holding that the petitioner utterly failed to establish his ancestors' title over the said land as on 01.07.1945 and no record was produced by him. The third respondent totally negated the claim of the petitioner stating that it is not lawful to consider the request for grant of ryotwari patta under Section 11 (a) of Estate Abolition Act, 1948 and declared that the scheduled lands are to be treated as Government lands. Aggrieved by the order of the third respondent, the petitioner approached the second respondent by way of filing revision within the prescribed time. The said revision is still pending. While things stood thus, on 14.06.2010 the petitioner made an application to allow him to cultivate the said lands on payment of reasonable amount as maktha or otherwise to be fixed by the respondents. The inaction of the respondents in considering the said application lead to filing of the present writ petition.

Respondent Nos.1, 3 and 4 filed a detailed counter. In the counter they have admitted about the filing of revision by the petitioner against the orders of the settlement officer and the same is still pending before the second respondent. Apart from that it is stated that the Government has imposed a ban on assignment or lease of tank beds, fore-shore of tank beds, cattle sands, grazing lands and reserved land for any public purpose. In view of the above, it is stated that the request of the petitioner cannot be granted.

At this stage, the learned counsel for the petitioner seeks a direction to the second respondent to dispose of the revision pending before him at the earliest.

Having regard to the circumstances stated above and since the revision which was filed in the year 2010 is still pending, the second respondent herein is advised to dispose of the revision filed by the petitioner questions the order dated 27.03.2010 passed by the third respondent in accordance with law and at the earliest, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

28.07.2015
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