

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.9052 of 2004

Between:

1. Adari Sanyasi Naidu and another

PETITIONERS

AND

1. The District Collector, Visakhapatnam, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioners, the learned Government Pleader for Revenue for respondents.

This writ petition was filed seeking a declaration that the petitioners are entitled to hold the property as per the provisions of A.P. Estate Abolition Act, 1948

(for short 'the Act') and they cannot be dispossessed from the land in Sy.No.13 (old) of Enugutuni Village of Kasimkhota Mandal, Visakhapatnam District.

The case of the petitioners is that they are the sons of late Appalanaidu and grandsons of Late Parasanna. Their grandfather purchased the land to an extent of 167 sq. yards from North to South and 79 sq. yards from East to West at Enuguntuni Village of erstwhile Kasimkhota Estate of Visakhapatnam District through Registered Sale Deed dated 7.06.1940 and constructed a thatched house. Thereafter, the father of the petitioners late Appalanaidu purchased an extent of Ac.0.78 cents out of Ac.1.50 cents from one Kakarlapudi Satyanarayana Raju and Penumastha Chittikanakamma @ Lakshminarasamma through registered sale deed dated 18.06.1952. The said land forms part of erstwhile Kasimkhota Estate, which was abolished later on. It appears that as the said land was classified as village site, the father of the petitioners submitted an application dated 30.08.1956 to the 1st respondent requesting him to correct the records. In pursuance of the said application, the then Tahsildar, Anakapalli issued proceedings No.L-Dis.No.4605/56, dated 31.11.1957 stating that as per Fasli 1366 the petitioners' father is only the highest dry rate of the village in the B Memo for cultivating Sy.No.13 which is a village site poramboke. Hence, he was asked to prefer a claim for the land on patta during the survey and settlement of the village. It is also the case of the petitioners that their father submitted a representation dated 23.06.1962 to the 2nd respondent seeking ryotwari patta to the land in Sy.No.13 but the petitioners have not filed a copy of the said representation along with the present writ petition. When the respondents were making preparations to assign the land to the third parties, the petitioners issued a legal notice dated 19.06.2003 to 1st and 2nd respondents, but they have not chosen to respond to the same. Hence the petitioners filed the present writ petition.

This Court by order dated 12.05.2004 while issuing notice before admission granted interim direction to the respondents not to assign the land in Sy.No.13 (old) of Enugutunti Village to any third parties until further orders in the writ petition, and the said order is subsisting till today. Though the writ petition was admitted on 17.01.2005 and the matter was adjourned on several occasions for filing of counter affidavit, no counter affidavit has been filed by the respondents even after 10 years.

In view of the above facts, this writ petition is disposed of directing the 3rd

respondent to consider the notice dated 19.06.2003 issued by the petitioners and pass appropriate orders thereon after examining the record. The petitioners are at liberty to take further proceedings based on the reply furnished by the 3rd respondent. No order as to costs. As sequel, miscellaneous petitions, if any, shall stand closed.

A. RAMALINGESWARA RAO, J.

27th March, 2015

Js.