

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 15541 of 2011

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Assignment. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the endorsement Ref. (B) No.696/2008, dated 28.10.2010 issued by respondent No.3 in rejecting the petitioner's application made for regularization and the consequential notice dated 27.04.2011 issued by respondent Nos.3 to 5 under Section 7 of Act 3 of the Madras Act, 1905 and the action of the respondents threatening to dispossess and demolish the tomb existing in land admeasuring 117 square yards situated in Sy.No.213/1 of Suryaraopeta, Kakinada Mandal, East Godavari District, as illegal, arbitrary and without jurisdiction; and consequently to set-aside the same and direct the respondents to consider the request of the petitioner for regularization of the said land.

Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to respondent No.3 to dispose of the reply given to the notice, dated 27.04.2011, at the earliest.

The Government Pleader for Assignment submits that he has no objection for the same, provided, the same is still pending.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of directing the third respondent-Tahsildar, Kakinada Urban, to dispose of the reply given by the petitioner to the notice dated 24.07.2011 issued by respondent Nos.3 to 5, in accordance with law, as early as possible, preferably within a period of eight (08) weeks from the date of receipt of the order, provided the same is still pending. Till such time, the tomb of the husband of the petitioner which is situated in disputed land shall not be disturbed. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

07.11.2015

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