

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.15748 of 2015

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ORDER:

Heard.

The petitioner claims to be the legal heir of the original assignee of the land admeasuring Ac.4-00 gts., in Sy.No.282/2 situated at Penchikalpeta Village, Elkathurthi Mandal, Karimnagar District. It appears that there is a public way in Sy.No.282 besides patta land in Sy.No.283 and the ryots of the surrounding lands used to utilize the said way to go to their fields. The said land was assigned to the petitioner predecessor-in-interest way back on 31-01-1978. Condition No.5 of the Patta Certificate states that the existing and customary rights of the Government and the public in roads, rivers, streams and channels running through or bounding the land and the right of the Government to a share in mines and quarries adjacent to the said land are reserved and are in no way affected by the grantee. The land assigned to the assignee was sub-divided. Subsequently, the assignee had transferred the said land on 24-05-1979 to a third party, who filed a claim for grant of pattadar pass book and after regularizing her sale deed, Form 13-B was issued to her in the year 1997. Subsequently, various other proceedings took place and ultimately the 3rd respondent in his order, dated 13-09-2014 directed the 4th respondent to take possession of the assigned land and to restore possession to the legal heirs of the original assignee under cover of panchanama and also to make necessary entries in the revenue records. The said order though passed in favour of the petitioner, before it was implemented, it appears that the petitioner has raised "TIL CROP" by ploughing some portion of assigned land including the path way, thereby, the farmers of the surrounding lands were obstructed from going into the fields.

In view of the complaint given by the villagers, local enquiry and field inspection was conducted by the 4th respondent on 16-04-2015 and has submitted a detailed report to the 3rd respondent on 17-04-2015 for appropriate direction. The

present writ petition is filed questioning the said proceedings of the 4th respondent on the ground that no notice was served on the petitioner. It is apparent from the said proceedings that it is only a report given to the 3rd respondent informing him that the petitioner has ploughed some portion of the assigned land by way of criminal trespass by violating condition No.5 of assignment patta certificate. Hence, the report, as such, cannot be impugned in the writ petition, as no further orders have been passed by the 3rd respondent based on the said report. The petitioner, however, has made representation to the 2nd respondent, dated 08-05-2015 not to lay any road in his land. The petitioner also filed a representation before the 3rd respondent on 11-05-2015. The said representations are stated to be pending and the petitioner counsel seeks consideration thereof.

Since the report of the 4th respondent and the representations of the petitioner are pending with respondents 2 and 3 respectively, it is appropriate for the 3rd respondent to consider the report of the 4th respondent and also the representations of the petitioner referred to above and take appropriate decision in the matter expeditiously preferably within two weeks from the date of receipt of a copy of this order, particularly, as the public road is required to be restored to enable the villagers to use the same.

Accordingly, the writ petition is disposed of. No order as to costs.

Thee miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 05-06-2015

Prv

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