

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 971 of 2015

DATE: 28.01.2015

Between:

1. Bheeram Rameshwaramma

2. B. Rangamma

.. Petitioners

And

The State of A.P. and 4 others

.. Respondents

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ORDER:-

The petitioners claim to have purchased the land admeasuring Ac.0.30 guntas each in Sy.No.449 situated in Chinakaparthi village, Chityal Mandal, Nalgonda District from one Mamilla Pedda Venkataiah and subsequently, the 4th respondent-Tahsildar granted pattas in their favour and they have been in possession and enjoyment of the same. While so, it is stated that the 2nd respondent – Joint Collector issued a show cause notice dated 07.06.2007 indicating that lands which are in possession of the petitioners are private patta lands and the petitioners are not eligible for grant of pattas. The petitioners submitted their explanation, however, being not satisfied with it, the 2nd respondent, by order dated 23.10.2007, without giving any opportunity to the petitioners to put forth their version, cancelled pattas granted in their favour while directing the 4th respondent to take steps to delete the names of the petitioners from the revenue records. Questioning the same, the petitioners preferred an appeal before the 5th respondent – Commissioner of Land Revenue along with an application seeking stay of the order of the 2nd respondent, and the 5th respondent, initially granted order of *status quo* for a limited period, but the same was not extended from time to time. Now, the petitioners' grievance is that by virtue of the orders of the Joint Collector, the 4th

respondent, without following due process of law, issued proceedings dated 20.10.2014 directing the Mandal Revenue Inspector, Chintal to take over possession of the petitioners' land which forms part of Ac.1.20 guntas in Sy.No.449 and consequently issued Memo dated 08.01.2015 indicating "taken over the possession".

The learned counsel for the petitioners has contended that in spite of the fact that the appeal preferred by the petitioners is pending adjudication before the 5th respondent-Commissioner, the 4th respondent-Tahsildar, by virtue of the order of the Joint Collector, cannot direct the Mandal Revenue Inspector to take over possession of the land without following the due process of law, as the same amounts to violation of principles of natural justice.

The learned Government Pleader for Revenue appearing for the respondents submits that admittedly, only limited stay was granted in favour of the petitioners and it was not extended beyond 20.12.2007. He further submits that there is nothing illegal about the Joint Collector, who is the supervisory authority, in directing subordinate authorities on administrative side to act on his orders.

Having considered rival submissions and in view of the fact that the appeal said to have been preferred by the petitioners on 27.11.2007 is pending adjudication before the 5th respondent, and for reasons best known, the Commissioner has not chosen to dispose of the long pending appeal so far and the fact that the *status quo* granted is no longer in existence, this Court feels that interference of possession and enjoyment of the petitioners at this stage is not warranted as

the same would not cause any prejudice to the respondents.
Hence, this Court deems it appropriate to dispose of the writ petition with the following direction.

“The 5th respondent-Commissioner of Land Revenue is directed to consider and dispose of the appeal said to have been preferred by the petitioners on 27.11.2007 in accordance with law, within a period of three months from today. Pending disposal of the appeal, the petitioners’ possession and enjoyment over Ac.0.30 guntas of land each in Sy.No.449 situated in Chinakaparthi village, Chityal Manal, Nalgonda District shall not be interfered with”.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

28.01.2015

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