

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.24370 of 2010

ORDER:

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Heard the learned counsel for the petitioners and the learned
counsel for the respondents.

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

The present writ petition came to be filed questioning the inaction of the 2nd respondent in conducting enquiry under Section 3(2) of the A.P. (AA) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (for short 'the Act') with respect to the application dated 18-07-2009 made by the petitioners as illegal and arbitrary.

The averments in the writ petition are as under:

The petitioners had purchased small extent of lands in survey Nos. 310 and 311 of Adavivaram Village from its original owners. One Sri Gudavarti Narayana Charyulu acquired an extent of Ac.03-00 cents in survey Nos.310, 311 of Adavivaram Village under a registered sale deed dated 27-01-1927 from Mandadi Appalanarsamma w/o.Ramdas Panthulu. The said Narayanacharyulu acquired an extent of Ac.02-00 cents in survey Nos.310, 311 of Adivivaram Village from one Koilkandaal Tiruvengala Charyulu under a registered sale deed. It is stated that subsequently the said Narayanacharyulu executed a registered will deed dated 12-07-1970 bequeathing the above said property along with other properties to Koilkandalal Narasimhacharyulu and his sons. They in turn sold away the property of admeasuring Ac.03-00 cents in survey Nos 310 and 311 of Adivivaram Village to Uppalapati Raja Babu under a registered sale deed dated 18-02-1980. Said Raja Babu in turn divided the same into bits and sold away the same to the petitioners 1 to 21. It is stated that Koilkandalal Narasimhacharyulu and his sons sold away land to extent of Ac.02-00 cents in survey Nos.310, 311 of Adivivaram Village to Uppalapati Annapurnamma and others

under a registered sale deed dated 19-06-1980 and said Annapurnamma and others in turn divided the same into plots and sold away the same to the petitioners 22 to 31. Thus all the petitioners have title, interest and possession over their respective plots. It is stated that Section 3 (1) (2) of A.P.Inams (Abolition and Conversion into Ryotwari) Act, 1956 (Act.No.37/1956) which came into force w.e.f.14-12-1956. Under Section 3 (1) (2) of the Act, an enquiry has to be conducted by the Tahsildar either suo-moto or on an application to determine:

- i) Whether a particular land in his jurisdiction is an inam land
- ii) Whether such inam land is in ryotwari, zamindari or inam village
- iii) Whether such inam land is held by any institution.

It is stated that with respect to the lands of predecessors-in-title of petitioners, which were purchased under the registered sale deeds dated 02-01-1927, 15-04-1925 no enquiry as contemplated under Section 3(2) of the Act has been conducted. Conducting said enquiry and its Gazettee notification under Section 3(6) of the Act is a condition precedent to issue Ryotwari pattas under Section 7 of the Act 37/1956. As such,

on 18-07-2009 the petitioners filed applications under Section 3 (1) of the Act before the Inam Tahsildar for an enquiry. As no action was taken by the 2nd respondent, the present writ petition came to be filed.

It is not in dispute that the petitioners made an application on 18-07-2009 before the Inam Tahsildar for conducting an enquiry. Till date, the Inam Tahsildar has not passed any orders. Hence the writ petition is filed seeking a direction for disposal of the application made by the petitioners in accordance with law.

Learned Government Pleader for Revenue submits that he has no objection for the same.

Without going into the merits of the case, the writ petition is disposed of by directing the 2nd respondent to dispose of the application made by the petitioners on 18-07-2009, if the same is made and still

pending consideration, in accordance with law, within a period of eight weeks from the date of receipt of the order. There shall be no order as to costs.

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

JUSTICE C.PRAVEEN

KUMAR

14-07-2015

Nvl

