

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.32959 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner applied for grant of pattadar passbooks with respect to the lands admeasuring Ac.4-06 cents in Sy.No.371/2 and Ac.1-07 cents in Sy.No.372/1 situated at Kapuluppada Village, Bheemunipatnam Mandal, Visakhapatnam District. The said application was enquired into by the 4th respondent and under the impugned proceedings, dated 03-10-2015, it was rejected on the ground that the connected D.R. file, under which the lands in question are stated to have been assigned to the petitioner is not traceable. The petitioner states that he has filed provisional assessment order issued in his favour vide D.R.No.225/1402 C, dated 17-11-1992 and on that basis, he claims to be in possession and enjoyment of the lands in question. The petitioner, therefore, questions the rejection order on the ground that he cannot be found at fault for the 4th respondent is not able to trace out connected D.R. file.

On 07-10-2015, the learned Government Pleader was required to get instructions.

Learned Government Pleader has received instructions and states that the connected DR file about grant of assessment is not borne out to verify the genuineness of the claim of assignment made by the petitioner. Therefore, the request of the petitioner for grant of pattadar passbooks was rejected under the impugned order.

It is evident that the file relied on by the petitioner is not traceable at present as is stated under the impugned order itself, which is extracted herein:-

“..... It is noticed that the connected D.R. file about grant of assignment is not traceable for the present to verify the genuinity of the said land assigned to you.”

Evidently, since the file is not traced, the 4th respondent could have kept the petitioner's application pending and considered the same after tracing out the file. Rejection of the petitioner's application merely because the file was not traced, cannot be a ground for rejection. The impugned order to the extent of rejecting the petitioner's application for grant of pattadar passbooks shall, therefore, stand set aside and the matter shall stand remitted to the 4th respondent for fresh consideration.

The 4th respondent shall ensure for further efforts to locate the said file. The petitioner is also at liberty to seek the record under the Right to Information Act and the 4th respondent shall fix the further date of hearing after six weeks and review the progress of search thereafter and then take further appropriate steps in accordance with law.

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

Miscellaneous petitions, if any, pending in this writ petition shall stand closed

VILAS V.AFZULPURKAR, J

Date: 05-11-2015

Prv

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Prv