

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.5174 of 2011

ORDER:

The present writ petition is filed questioning the inaction of the respondents in considering the representation of the petitioner dated 06-12-2010 for grant of ryotwari patta in respect of the land in T.D.No.2553 admeasuring an extent of Ac.05-15 cents and Ac.03-20 cents totally admeasuring Ac.08-35 cents situated at Pydipalli village, Tirupati Rural Mandal, Chittoor District as illegal and arbitrary.

The averments in the petition are as under:

The father of the petitioner by name M.Laxmaiah was in occupation of the land admeasuring Ac.08-35 cents in T.D.No.2553 of Pydipalli village, Tirupati Rural Mandal, Chittoor District. After demise of his father, the petitioner came into possession of the land and his name was also shown in the revenue records as enjoyer of the said land. It is stated that the land is situated in the Estate village and as such the provisions of Andhra Pradesh (Andhra Area) Estates (Abolition and conversion into Ryotwari) Act, 1948 (for short "the Act") applies to the said land. Vide G.O.Ms.No.548, the Government has accorded permission to the Collector, Chittoor District to expedite the distribution of ryotwari pattas to the persons found in possession of the land. On

06-12-2010, the petitioner made a representation enclosing copies of adangals and cist receipts to the 1st respondent for grant of ryotwari patta in his favour in respect of land in T.D.No.2553. As the 1st respondent failed to grant the ryotwari patta in favour of the petitioner, the present writ petition came to be filed.

Learned Government Pleader for Revenue filed counter stating that Paidipalle village is an estate attracting the provisions of Estates Abolition Act, 1948. As per the provisions of Section 11(a) of the said

Act, 'no person who has been admitted into possession of any land by a landholder on or after the first day of July, 1945 shall, except, where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land'. It is stated that the land holder has filed a statement stating that he never granted land to others. It is the case of the respondents that though G.O.Ms.No.548, dated 28-04-2003 has been issued by the Government, in the absence of authenticated documentary evidence in favour of third party as prescribed in the Estates Abolition Act, ryotwari pattas as prayed for cannot be granted. It is stated that the petitioner's land which has been identified in Survey No.238 of Pydipalli village is classified as "valvayi kunta" in the village accounts of Paidipalle village, as such the land claimed by the petitioner is a "kunta" (a water body), in respect of which no ryotwari patta can be granted.

A perusal of the prayer show that the petitioner made an application dated 06-12-2010 for grant of ryotwari patta in respect of land admeasuring Ac.08-35 cents situated at Pydipalli village. According to him, though a representation was made on 06-12-2010, till date no order has been passed. The counter filed by the 3rd respondent also silent as to the status of the representation made by the petitioner.

Having regard to the above and without going tin to the merits of the case, the writ petition is disposed of by directing the 1st respondent to dispose of the application of the petitioner, if any pending, in accordance with law, preferably within a period of eight (08) weeks from the date of receipt of a copy of the order.

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

C.PRAVEEN KUMAR,J

30-06-2015
Nvl